Before the
CALIFORNIA ENERGY COMMISSION
Sacramento, CA

In the matter of 2009 Rulemaking Proceeding on Appliance Efficiency Regulations Phase II	)	Docket No. 11-AAER-1
Implementation of California Code of Regulations, Title 20, Sections 1601-08	)	

COMMENTS OF THE ENTERTAINMENT SOFTWARE ASSOCIATION

The Entertainment Software Association ("ESA") submits these comments in response to the 2009 Rulemaking Proceeding on Appliance Efficiency Regulations Phase II.

The ESA is the U.S. association exclusively dedicated to serving the business and public affairs needs of companies that publish computer and video games for video game consoles, personal computers, and the Internet. ESA's membership includes, among others, Microsoft, Nintendo, and Sony, the manufacturers of the three major game console systems.[1] We welcome this opportunity to share our industry's views on future appliance standards development in California.

We agree with the California Energy Commission's Efficiency Committee ("Committee") that it makes sense to focus on new or amended efficiency standards "that offer significant energy savings."[2] Toward that end, the Committee identified in its Public Notice nine different categories of appliances for possible inclusion in

[1] For a list of ESA's other members, please see http://www.theesa.com/about/members.asp.
[2] Notice of Scoping Workshop, Docket No. 11-AAER-1, In the matter of 2011 Rulemaking Proceeding on Appliance Efficiency Regulations, page 2.

its forthcoming scoping order. [3] Though game consoles were not on that proposed list, a representative of the Committee mentioned game consoles as a possible category for inclusion in the scoping order during a presentation at the August 31st public workshop. We urge the Committee not to expand the scoping order to reach game consoles.

We believe that the Committee's initial inclination not to include game consoles in the same category with commercial dishwashers, commercial clothes dryers, and refrigeration/condensing units was the correct one. Those other appliances consume far more energy and thus offer far greater opportunity for energy savings than do game consoles. As the Committee appropriately acknowledged, larger energy savings will be realized by prioritizing those appliances that merit immediate attention and focusing on those with the biggest potential impact on energy savings.

Beyond their relatively limited impact, game consoles do not merit immediate attention given that (i) console makers are already making significant strides in improving the energy efficiency of their systems; (ii) there are energy savings inherent in how consumers actually use the devices; and (iii) console makers have continued incentive to make strides in efficiency because of the EPA's and industry's ongoing work on an ENERGY STAR-like recognition program for game consoles.

[3] As described in the Notice of Scoping Workshop, those include: (1) computers and servers; (2) set top boxes; (3) commercial clothes dryers; (4) refrigeration/condensing units; (5) linear fluorescent fixtures; (6) LED lamps, outdoor lighting; (7) irrigation controls; (8) commercial dishwashers; and (9) plug in luminous signs.

1. The Industry is Making Good Progress on Energy Efficiency

Significantly, game consoles are moving in the right direction on energy savings. Unlike many single-purpose devices, game consoles are sold as a "platform" with a lifecycle which may exceed ten years. With that in mind, the configuration is state-of-the-art and designed to accommodate demanding uses and new innovations for years to come. Yet, the device configuration is not static. Console makers continue to make improvements to the device throughout the product's lifespan. These improvements include better energy efficiency. All three console makers launched their current generation systems back in 2005-2006, but the consoles sold at retail today are more energy efficient than the same models that were sold at launch. In fact, as summarized below, each of the three console systems has undergone significant form factor improvements that have bolstered energy efficiency.

As demonstrated in the graph below, a recently produced Xbox 360 sold at retail today consumes less than 50 percent of the energy that the same model consumed when Microsoft launched the product in 2005. Additionally, Microsoft has reduced by ten times the amount of energy the Xbox 360 consumes in "stand by" mode.

Continuous Energy Improvement of the Xbox 360

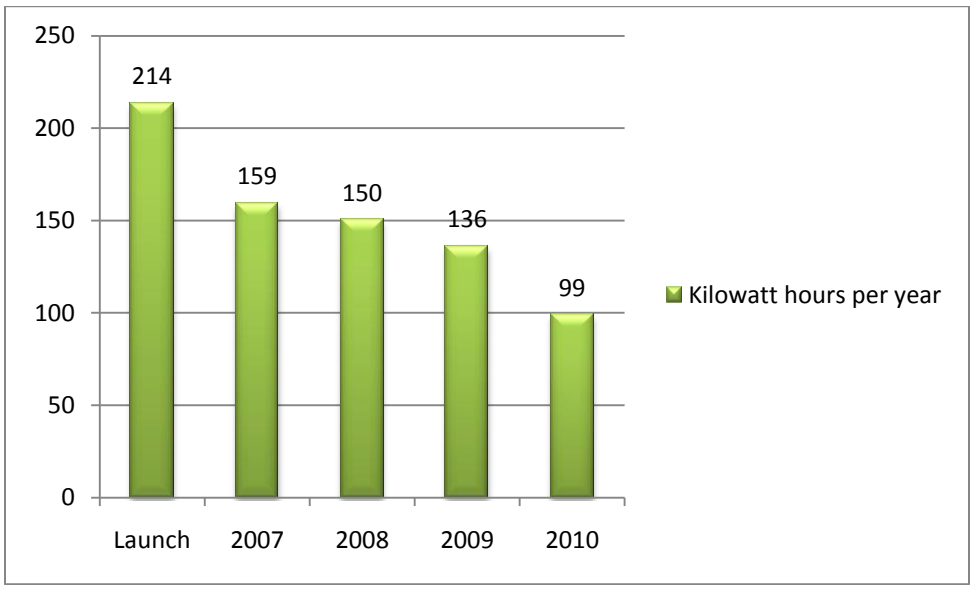

Figure 1: Yearly energy consumption reduction since launch in 2005

This impressive energy savings is attributable to a variety of improvements Microsoft has made to the system, including redesigned Central Processing Units ("CPUs") and Graphics Processing Units ("GPUs") and the addition of digital voltage regulation, among other innovations. Since its original launch, the Xbox 360 has included a user-enabled automatic power down function ("APD"), which Microsoft has continually enhanced through software updates over the product's lifecycle. They have added a menu that prompts the user to enable the APD during set-up and have reduced the standby time from five hours to one.

Sony's continued improvements to the PlayStation 3 have likewise netted substantial energy savings. The most recent model of the PlayStation 3 uses 64 percent less energy during gameplay than the model sold at launch in 2006. Also,

the PlayStation 3 includes an APD feature that is enabled "on" by default. Today's PlayStation 3 weighs 48.5 percent less than the PlayStation 3 sold at launch, and the overall packaging is down 58.7%, which translates to lower energy costs for shipping the product.

Finally, the Nintendo Wii has the lowest energy usage of the three console systems. Nintendo also has continued to reduce the energy consumption of the Wii, and today's model uses one-third less power than the model launched in 2006.

2. How Consumers Use Consoles Promotes Further Energy Savings

Apart from these advances, it is important to recognize that there are energy savings inherent in how consumers actually use game consoles as differentiated from other consumer electronics included in the Committee's list. First, unlike servers and computers, consumers typically do not leave game consoles powered on when not in use. Based upon online data gathered from over 20 million users of Xbox LIVE, the online service for the Xbox 360 game console, Microsoft estimates that the vast majority of gamers turn off their consoles when not using them. Accordingly, contrary to what some stakeholders have suggested, it would not be appropriate to measure energy savings premised upon the assumption that game consoles are always on.[4]

Additionally, game consoles are multi-purpose devices and, as such, allow for certain efficiencies not possible with single-purpose devices. Many consumers use consoles to watch DVDs or download or stream movies and TV programs, in

[4] The Natural Resources Defense Council appeared to argue in its Public Workshop presentation that a game console left on for the entire life of the device would cost consumers $200 more in electricity than a device that is powered off during some portion of its lifespan.

addition to the gameplay functionality. Game consoles help clear the clutter in the entertainment center by eliminating the need to purchase a separate DVD player or a dedicated streaming device (e.g., Roku box). This is a more energy efficient and environmentally friendly result than having three separate devices which perform a single, dedicated function each. [5]

The combination of console makers' ongoing efforts to improve energy efficiency, the multi-purpose nature of consoles, and consumers' usage patterns all help yield substantial energy savings. But console makers have an additional reason to continue their innovative efforts, even absent any California standards.

3. Console Makers Have Strong Incentive for Continued Progress

As the Committee may be aware, the EPA is currently in the process of drafting standards for an ENERGY STAR-like recognition program for video game consoles.[6] All three console manufacturers are engaged in this process, which is well along in development and involves active dialog with the NRDC. The industry is hopeful that a workable program will emerge. We urge the Committee to give that program adequate time to evolve before proposing an alternative standard. The ENERGY STAR-like recognition program would help advance California's goal of ensuring that the game industry continues to make strides in evolving game

[5] Compelling game consoles to limit their movie playback power consumption to the level of stand-alone DVD players would create unintended consequences. If console makers were required to add in dedicated, low-power circuitry for the sole purpose of playing back DVDs, the costs would discourage them from including the DVD playback feature altogether. Forcing consumers to buy another device is not an energy efficient result.

[6] See ENERGY STAR Game Console Recognition: Stakeholder Webinar, August 9, 2011, http://www.energystar.gov/ia/partners/prod_development/revisions/downloads/game_console/webinar_08092011.pdf.

consoles to be even more energy efficient, while enabling the Committee to focus on other products where the prospects of continued improvement are less certain.

For the foregoing reasons, we urge the Committee to not expand its scoping order to include game consoles.

Respectfully submitted,

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