

November 21, 2011

California Energy Commission
Re: Docket No. 11-AAER-2
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5504

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11-AAER-2	
DATE	Nov. 21 2011
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To Whom It May Concern:

CTIA-The Wireless Association® respectfully submits the following comments on the California Energy Commission's Rulemaking on Appliance Efficiency Regulations (Docket No. 11-AAER-2). CTIA is the international trade association representing wireless carriers, device manufacturers, and Internet service providers. CTIA appreciates the opportunity to comment in this proceeding. While encouraging the development of energy efficient battery charging systems is a laudable goal, the wireless industry is concerned that the proposed regulations will negatively affect continued innovation in wireless devices, possibly increase costs to consumers, and unintentionally impact critical communications equipment so as to negatively impact emergency responses and other vital communications. To address these concerns, CTIA respectfully requests that the Commission consider the following revisions to the proposed regulations.

Allowances For Variability Among Manufacturing Devices Is Needed

Even with products that may currently meet the proposed energy efficiency standards, the proposed regulations will negatively impact production because they provide for little or no allowance for variability among each specific manufactured device. There is inherent variability in the manufacturing process and each specific charger from a manufacturing process will have some variability. The final adopted regulations must provide adequate allowances to account for natural variability within production processes. The proposed regulations may require manufacturers to pull otherwise compliant battery chargers from the production line because of inadequate allowances. This outcome would place additional costs on the remaining chargers, thus negatively impacting retailers and eventually consumers.

Timeline Is Too Aggressive

Although we appreciate that the Commission has extended the proposed implementation schedule by six months, the timeline is still too aggressive. The revised timeline will still make it difficult for manufacturers to perform all of the necessary research, testing, and production to meet the proposed requirements. As such, the wireless industry requests that the implementation date be extended an additional year to January 1, 2014.

Labeling

The proposed regulations will require labeling on the box and directly on the product, and thus force costly, unaesthetic changes to packaging and to products - packaging and products that are distributed nationally, not just in California. The wireless industry requests that if the labeling requirement is solely to indicate manufacturer compliance, that the Commission provide manufacturers greater flexibility to demonstrate compliance. This flexibility, for example, could allow manufacturers to indicate compliance

through a statement in product user guides or through electronic labeling, such as software notices. This type of innovative compliance notice would reduce the need for additional packaging materials on product boxes.

Inductive Charging Regulations Must Be Expressly Limited To Tightly Coupled Systems

We respectfully request that the Commission explicitly limit rules for wireless charging systems to tightly-coupled inductive charging systems, which were the only types of wireless charging systems that the Commission examined during development of the proposed regulations. Unfortunately, as currently proposed, the regulations broadly cover all types of inductive charging systems, including loosely-coupled wireless charging systems that are under active development and expected to be made available for sale for the first time in 2012. The Commission should explicitly exempt this new class of products from the proposed regulations to enable continued research and development in this vibrant area and the realization of many public interest benefits.

Loosely-coupled wireless charging systems will allow a consumer to simultaneously and independently charge multiple battery-powered portable devices, such as cell phones, by placing the devices in any position on a charging pad or properly equipped surface, such as a table-top. In this way, loosely-coupled wireless charging systems will eliminate the need for consumers to maintain separate power adapters for multiple devices and provide consumers with more convenient charging options. The wireless industry respectfully requests that the Commission provide for this explicit exemption by limiting its proposed inductive charging system regulation to tightly-coupled inductive charging systems.

Clarification That Critical Communications Equipment Is Exempt From The Proposed Regulations

Both the Federal Communications Commission and the California Public Utilities Commission consider communications equipment to be critical infrastructure for emergency response and communications purposes. Accordingly, the wireless industry requests that the Commission either explicitly exempt critical communications equipment from the proposed regulations or revise the exemptions as currently drafted. Below is the industry's suggested exemption language for inclusion or revision within the proposed amendments to subset (w) of Section 1601. Scope:

Explicit Exemption Language by Adding the Following to Subset (w):

(7) battery charging and back-up battery power equipment supporting communications, telecommunications, broadband and/or other information services, and/or video equipment employed by service providers, whether within their networks or on customer premises.

Revised Exemption Language to (4) under Subset (w):

(4) battery charger systems with input that is three phase of line-to-line 300 volts root mean square or more and is designed for a stationary power application or any one phase battery charger system supporting communications, telecommunications, broadband and/or other information services, and/or video equipment employed by service providers, whether within their networks or on customer premises.

The wireless industry believes this exemption is appropriate considering the Commission's intent as expressed in its currently listed exemptions. Communications infrastructure, including broadband and video equipment, are deemed critical facilities by both federal and state agencies and are part of emergency communications - whether they be the current 911 system, the Next Generation 911 system, or

the emergency alert systems. Consequently, communications infrastructure needs to operate at 100 percent capacity at a moment's notice during an emergency situation and should be excluded from the proposed regulations.

Exempt USB Charging Systems

USB charging systems, which bring a host of benefits to consumers and the environment, could be negatively impacted by the proposed regulations. Charging systems that utilize low voltage charging are less efficient than charging systems with higher voltage and higher output. USB charging systems are limited to 5-10W output and devices with larger batteries are likely to have difficulty complying with the proposed regulation. While it is clearly the intent of the Commission to drive devices towards more efficient charging systems, the wireless industry believes the Commission needs to recognize the unique benefits provided by USB charging systems. USB, as a recognized universal standard, helps eliminate e-waste by ensuring more cables are interoperable and reducing the amount of cables that come with wireless devices. USB cables provide additional functionality and increase consumer convenience by allowing them to easily sync with and charge from a wide variety of devices. We therefore request that the Commission exempt USB-based chargers from the scope of the regulations.

Conclusion

Although we recognize the Commission for working with the U.S. Department of Energy, the wireless industry has significant concerns that the proposed California regulations may cause conflict with federal regulations in this area. Changing manufacturing standards to comply with federal regulations shortly after changes were initiated to comply with California regulations will cause significant cost to manufacturers and in-turn customers. During these difficult economic times, we respectfully request that the Commission consider the wireless industry's proposed revisions to the efficiency standards to ensure that the final regulations do not unduly burden wireless device manufacturers, many of whom are driving forces in California's economy. Moreover, we want to ensure that additional costs are not thrust on consumers of wireless devices. If you have additional questions or need further information, please contact Steve Carlson, CTIA's California Government Affairs Counsel, at 916-498-3363 or scarlson@stevecarlsonassociates.com.

Sincerely,

A handwritten signature in black ink, reading "Jamie Hastings". The signature is fluid and cursive, with the first name "Jamie" and last name "Hastings" clearly legible.

Jamie Hastings
Vice President, External & State Affairs