

January 3, 2012

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 11-AAER-2
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET

11-AAER-2

DATE JAN 03 2012

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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. As we had previously indicated, we believe that encouraging the development of energy efficient battery charging systems is a laudable goal and recent changes to the regulations are helpful. In particular, we believe that the recent changes regarding product marking requirements and USB-based chargers for products over 20Wh are significant steps in the right direction. However, despite these helpful amendments the wireless industry remains concerned that the proposed regulations will negatively affect continued innovation in wireless devices, possibly increase costs to consumers, and unintentionally impact critical communications equipment. To address these remaining 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, and most importantly, consumers.

Timeline Is Unnecessarily Aggressive

Although we appreciate that the Commission has extended the proposed implementation schedule by one month, 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

We are pleased that the amendments will now permit labeling on the box or on the product. While we appreciate the additional flexibility we still believe that it will continue to force costly, unaesthetic and unnecessary changes to packaging and products only in California – negatively impacting current national distribution channels. The wireless industry again requests, because the labeling requirement is solely to indicate manufacturer compliance, that the Commission provide manufacturers the ability to also indicate compliance through a statement in product user guides or through electronic labeling such as software notices. This additional flexibility will reduce costs while still providing ready access to the information.

Inductive Charging Regulations Must Be Expressly Limited To Tightly Coupled Systems

We understand the Commission contends that the original regulations adequately address industry concerns. If these regulations do not affect the development, ongoing innovation, and public interest benefits provided by inductive charging systems, then we request that explicit clarification and applications be provided by the Commission in the regulations, at the adoption hearing, and/or the Final Statement of Reasons.

We again respectfully request that the Commission explicitly limit rules for wireless inductive charging systems to tightly-coupled inductive charging systems, for they were the only type of wireless charging systems that the Commission examined during development of the proposed regulations. Unfortunately, as currently proposed, the regulations appear to 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. Such systems should be exempted whether or not they are bundled with or packaged separately from a device.

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 again respectfully requests that the Commission provide for this explicit exemption by limiting its proposed inductive charging system regulation to tightly-coupled inductive charging systems. This more focused, tightly-coupled only requirement will still cover, for the 5W inductive charging space, the solutions now offered by PowerMat and the Wireless Power Consortium (WPC).

Clarification that Critical Communications Equipment is Exempt from the Proposed Regulations

We realize that it is not necessary to make comments on those proposed regulations that have not been changed, but the wireless industry wants to confirm that the California Energy Commission does not have the intention of covering or regulating critical communications equipment. 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 explicitly exempt critical communications equipment from the proposed regulations by revising the exemptions as currently drafted or address the concern at the adoption hearing and/or in the Final Statement of Reasons. Below is the industry's suggested exemption language for inclusion or revision within the Introduction section of the Notice of Proposed Action:

Explicit Exemption Language by Adding the Following:

(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):

(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. Accordingly, 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.

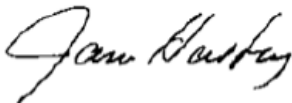
Exempt USB Charging Systems

We appreciate that the implementation schedule for charging systems with a battery capacity of 20 watt-hours or greater has been extended by one-year. Additional USB charging systems offer a host of benefits to consumers and the environment, and 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 electronic waste by ensuring more cables are interoperable and reducing the amount of cables that come with mobile 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 regulation or at least allow all USB charging systems to have the additional year to meet the proposed standards.

Conclusion

We appreciate the further amendments included in the 15-day language and recognize the Commission is working with the U.S. Department of Energy, but the wireless industry has significant concerns that the proposed amended 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,



Jamie Hastings
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