



TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

1320 N. Courthouse Rd., Suite 200
Arlington, VA 22201 USA
www.tiaonline.org

Tel: +1.703.907.7700
Fax: +1.703.907.7727

**BEFORE THE UNITED STATES
DEPARTMENT OF ENERGY**

IN THE MATTER OF ENERGY
CONSERVATION PROGRAM FOR
CONSUMER PRODUCTS AND CERTAIN
COMMERCIAL AND INDUSTRIAL
EQUIPMENT: PROPOSED
DETERMINATION OF COMPUTER
SERVERS AS A COVERED CONSUMER
PRODUCT

Docket No. EERE-2013-BT-DET-0034

**REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA)¹ hereby submits the following reply comments regarding the Proposed Determination of Computer Servers as a Covered Consumer Product (“Proposed Determination”).² As the manufacturers, vendors and suppliers of our Nation’s rapidly evolving communications networks, our members are directly impacted by the Proposed Determination. In a previous submission in response to the Proposed Determination,

¹ TIA is the leading trade association for hundreds of information and communications technology (ICT) manufacturer, vendor, and supplier companies in standards, government affairs and market intelligence. TIA’s member companies’ products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, energy, government, the military, and entertainment. TIA’s members produce the equipment and solutions that make up our Nation’s rapidly evolving communications networks. TIA is accredited by the American National Standards Institute (ANSI) to develop voluntary industry standards for a wide variety of telecommunications products. For more information, see www.tiaonline.org.

² See U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Proposed Determination of Computer Servers as a Covered Consumer Product, 78 Fed. Reg. 41868-41873 (July 12, 2013), available at www.gpo.gov/fdsys/pkg/FR-2013-07-12/pdf/2013-16730.pdf.

TIA commented to DOE that 1) servers do not meet the definition of a “consumer product” under the Energy Policy and Conservation Act (“EPCA”)³, 2) classifying computer servers as a covered product is not necessary or appropriate to carry out the purposes of EPCA, and 3) voluntary public private partnerships focused on disclosure of energy use such as the ENERGY STAR program are the most effective vehicle moving forward for improving the energy efficiency of computer servers.⁴

TIA strongly endorses the recent comments filed by Cisco Systems, Inc., which further clarify why DOE lacks the legal authority to make a determination that servers qualify as a covered consumer product under EPCA.⁵ Commercial servers differ so dramatically in terms of features, characteristics, usage and distribution from servers sold to individuals for use in the home that they cannot be considered the same type of covered product. Interpreting the definition as broadly as would be required to classify commercial servers as consumer products would provide virtually no limitation on DOE’s authority to make determinations that commercial products are subject to regulation as consumer products under EPCA, which is clearly contrary to the legislative intent of EPCA that provides a clear distinction between commercial and consumer products. Because DOE lacks the legal authority to make the determination that servers are covered consumer products, TIA recommends that DOE terminate the proceeding.

³ See Energy Policy and Conservation Act, 42 U.S.C. § 6291.

⁴ See Comments of the Telecommunications Industry Association Regarding the Proposed Determination of Computer Servers as a Covered Consumer Product Under Part A of Title III of the Energy Policy and Conservation Act (EPCA), (September 12, 2013), available at www.tiaonline.org/sites/default/files/pages/9-12-13%20TIA%20Comments%20DOE%20Proposed%20Determination%20Computer%20Servers.pdf.

⁵ See Reply Comments of Cisco Systems, Inc., Proposed Determination of Computer Servers as a Covered Consumer Product, (January 30, 2014.)

TIA appreciates the opportunity to provide input and looks forward to working with the Department of Energy and other stakeholders on these issues in the future.

Respectfully signed and submitted on February 10th, 2013.

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

/s/ DANIELLE COFFEY

Danielle Coffey
Vice President
Government Affairs

Joseph Andersen
Director, Technology & Innovation Policy
Telecommunications Industry Association
1320 N. Courthouse Rd., Suite 200
Arlington, VA 22201
jandersen@tiaonline.org