

**BEFORE THE UNITED STATES
DEPARTMENT OF ENERGY**

IN THE MATTER OF

ENERGY CONSERVATION STANDARDS
AND TEST PROCEDURE FOR BATTERY
CHARGERS: NOTICE OF DATA
AVAILABILITY

Docket No. EERE-2014-BT-NOA-0012

RIN No. 1904-AD21

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION
REGARDING ENERGY CONSERVATION STANDARDS AND TEST PROCEDURE
FOR BATTERY CHARGERS: NOTICE OF DATA AVAILABILITY**

I. INTRODUCTION

The Telecommunications Industry Association (TIA) appreciates the opportunity to provide comments in response to the Notice of Data Availability (NODA) regarding Energy Conservation Standards and Test Procedure for Battery Chargers.¹ TIA represents 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.

¹ See Department of Energy, Office of Energy Efficiency and Renewable Energy Docket No. EERE-2014-BT-NOA-0012, RIN 1904-AD21, Energy Conservation Standards and Test Procedure for Battery Chargers, Notice of Data Availability, 77 Fed. Reg. 27774-27775 (May 15, 2014) available at: http://energy.gov/sites/prod/files/2014/05/f15/battery_chargers_notice_of_data_availability.pdf.

A major function of TIA is the writing and maintenance of voluntary industry standards and specifications, as well as the formulation of technical positions for presentation on behalf of the United States in certain international standards fora. TIA is accredited by the American National Standards Institute (ANSI) to develop voluntary industry standards for a wide variety of telecommunications products and sponsors more than 70 standards formulating committees. These committees are made up of over 1,000 volunteer participants, including representatives from manufacturers of telecommunications equipment, service providers and end-users, including the government. The member companies and other stakeholders participating in the efforts of these committees and sub-groups have produced more than 3,000 standards and technical papers that are used by companies and governments to produce interoperable products around the world. TIA's members produce the equipment and solutions that make up our Nation's rapidly evolving communications networks and offer the following input regarding questions raised in the NODA.

In previous comments to the DOE, TIA cited numerous concerns with the CEC battery charger standards including the need to avoid patchwork regulations, technical errors, excessively stringent levels in several product categories, and a failure to take into account requirements of the technologies covered by the CEC standards.² TIA is very concerned that the CEC standards allow for the potential regulation of wireless battery chargers designed to operate in dry environments. The potential for regulation of these products, most of which are not on the market, is constraining industry investment and innovation in this product category. TIA recommends that DOE issue a determination that establishment of a standard for these types of

² See Comments of the Telecommunications Industry Association Regarding the Request for Information on Evaluating New Products for Battery Chargers and External Power Supplies Rulemaking (May 28, 2013), available at www.tiaonline.org/sites/default/files/pages/5-28-13%20TIA%20DOE%20BCS%20NOPR%20Comments.pdf.

wireless chargers will not result in significant conservation of energy or that the establishment of such a standard is not technologically feasible or economically justified at this time. TIA also supports comments submitted by the Alliance for Wireless Power, which provide a detailed analysis of the benefits of wireless charging systems and the need for the DOE to intervene to defer the regulation of wireless charging systems, specifically those that operate in a dry environment.

II. DISCUSSION

1. WIRELESS CHARGING SYSTEMS ARE STILL IN A NASCENT STAGE OF DEVELOPMENT AND SHOULD BE EXEMPTED FROM PREMATURE REGULATION

The DOE needs to intervene to provide regulatory clarity in the face of state regulations that would impose standards on still nascent wireless charging technology. The fact that wireless charging technology, specifically systems that operate in a dry environment, is not yet on the market demonstrates that the imposition of a standard on wireless charging systems is not technologically feasible or economically justified at this time. The potential regulation of products that are not yet in the marketplace has a significant negative impact on product development and innovation in this evolving space. Wireless charging technology will allow consumers to charge multiple portable electronic devices simply by placing them on a charging pad or properly-equipped table, desktop, or automobile console. In this way, the technology will eliminate consumers' need to connect each portable electronic device to a separate power adapter that plugs into a local ac outlet. Offering consumers more convenient and readily accessible charging options will help to ensure that consumers' smartphones, tablets, hearing aids, and conventional mobile phones are charged when they are needed most, such as during emergency situations.

In the 2012 Notice of Proposed Rulemaking, the DOE provided findings that “the ability to charge multiple devices simultaneously and wirelessly offers a unique utility to consumers that could adversely and inadvertently be affected by standards.”³ DOE concluded, “Because of this fact, and the immaturity of the technology, which collectively explain the absence of energy efficiency performance data on these products, DOE is not proposing standards for these types of products. Instead, DOE is proposing to create a separate product class for these products and to defer analysis of these products to a later standards rulemaking.”⁴ TIA thus strongly supports the DOE’s decision in its 2012 NOPR to defer analysis of wireless charging systems to a later date. As the DOE found, it would be particularly inappropriate to impose regulations on wireless charging systems (specifically those that operate in a dry environment) given the lack of energy efficiency performance data for these systems, as many of these systems are under active development. Premature regulation on either the federal or state level harms the innovation that is currently occurring in this space.

2. STATE REGULATION OF WIRELESS CHARGERS IS HARMFUL TO CONSUMERS BY LIMITING INVESTMENT AND INNOVATION IN NEW BENEFICIAL TECHNOLOGIES

California and Oregon have imposed efficiency regulations on wireless charging systems that create uncertainty as to the regulatory status of wireless chargers. While informal exceptions have been provided, the potential for California and Oregon regulatory bodies to remove these exceptions absent a rulemaking process as well as the ability for the California regulation to be

³ See Department of Energy, Office of Energy Efficiency and Renewable Energy, Docket No. EERE-2008-BT-STD-0005, RIN 1904-AB57, Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies, Notice of Proposed Rulemaking (NOPR), 77 Fed. Reg. 18505 (Mar. 27, 2012).

⁴ See *id.* at 18505.

imitated and interpreted differently by other state regulatory agencies has created a level of uncertainty and potential for patchwork regulation that requires DOE intervention.

3. DOE SHOULD ISSUE A DETERMINATION UNDER SECTION 6295(O)(3)(B) OF THE ENERGY POLICY AND CONSERVATION ACT TO PREEMPT STATE REGULATION OF WIRELESS BATTERY CHARGERS THAT OPERATE IN A DRY ENVIRONMENT

TIA strongly recommends that DOE issue a determination under Section 6295(o)(3)(B) of EPCA to preempt state regulation until the technology is more mature. Mandated efficiency standards should always be a data-driven process. In the case of wireless battery chargers, there is insufficient data for regulation of these products at either the state or federal level demonstrating that the establishment of a standard is not technologically feasible or economically justified. Uncertainty at the state level of the regulatory status of wireless charging technologies limits innovation and investment, and leaves the potential for patchwork regulation. TIA strongly recommends that DOE issue a determination to both protect the nascent technology and the potential consumer benefits to come from it as well as to avoid patchwork state regulation.

III. CONCLUSION

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 June 30, 2014.

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