



TELECOMMUNICATIONS
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**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 COMPUTERS AS A
COVERED CONSUMER PRODUCT

Docket No. EERE-2013-BT-DET-0035

RIN No. 1904-AD04

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION
REGARDING THE PROPOSED DETERMINATION OF COMPUTERS AS A
COVERED CONSUMER PRODUCT UNDER PART A OF TITLE III OF THE ENERGY
POLICY AND CONSERVATION ACT (EPCA)**

I. INTRODUCTION

The Telecommunications Industry Association (TIA) appreciates the opportunity to provide comments in response to the Proposed Determination of Computers as a Covered Consumer Product (“Proposed Determination”).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 U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Proposed Determination of Computers as a Covered Consumer Product, 78 Fed. Reg. 41873-41877 (July 12, 2013), available at: <http://www.gpo.gov/fdsys/pkg/FR-2013-07-12/pdf/2013-16728.pdf>.

TIA's members produce the equipment and solutions that make up our Nation's rapidly evolving communications networks and are affected by a number of issues in the Proposed Determination.

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.

In the Proposed Determination, the DOE requests comments, information, and recommendations regarding the definition of computers, whether classifying computers as a covered product is necessary or appropriate to carry out the purposes of EPCA, calculations and values for average household energy consumption, and availability or lack of availability of technologies for improving energy efficiency of computers. TIA offers the following recommendations to the DOE in determining how to proceed with the Proposed Determination.

II. DISCUSSION

1. THE PROPOSED DEFINITION OF COMPUTERS IS OVERLY BROAD AND SHOULD EXCLUDE MOBILE DEVICES SUCH AS LAPTOP/NOTEBOOK/NETBOOK COMPUTERS, SMARTPHONES AND TABLETS

The Proposed Determination proposes the following definition of computers:

“A consumer product which performs logical operations and processes data. A computer is composed of, at a minimum: (a) A central processing unit (CPU) to perform operations, or the ability to function as a client gateway to a server which acts as a computational CPU; (b) user input devices such as a keyboard, mouse, or touchpad; and (c) an integrated display screen and/or the ability to support an external display screen to output information.”² The Proposed Determination provides the following clarification as to the intended scope of the definition, “This proposed definition includes (but is not necessarily limited to) desktop computers, integrated desktop computers, laptop/notebook/netbook computers, and workstations. This proposed definition does not include servers without the ability to connect user input devices and/or support an external display screen.”³

As written, the proposed definition is excessively broad and could be interpreted to include a range of mobile device technologies. The proposed definition needs to be clarified and narrowed to ensure that mobile devices such as laptop/notebook/netbook computers, smartphones and tablets are not included in the same rulemaking. Market and consumer demand requires mobile devices to be designed to ensure power consumption is kept to a minimum to enhance battery life. For mobile devices, there is no technology available that industry is not already utilizing that a mandatory rulemaking would help accelerate to improve the energy efficiency of this product category. In terms of testing, computers and mobile devices such as smartphones and tablets cannot be included in the same rulemaking. Computers are typically measured entirely differently to a mobile device due to the nature of their operation, for example

² See Proposed Determination at 41874.

³ See *id.*

many different power consumption states. Additionally, mobile devices will already be covered under the DOE Battery Charger System regulation, which would make another layer of regulation duplicative of an existing DOE regulation.

TIA recommends that the DOE explicitly exclude mobile devices, such as laptops/netbooks/notebooks, smartphones and tablets from the proposed definition. Some suggestions for a proposed exclusion include: a device that is ultra-portable operated primarily on a battery, a device that has solely a wireless network connection and an internal battery, or a device that is infrequently connected to a power supply.

2. CLASSIFYING COMPUTERS AS A COVERED PRODUCT IS NOT NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF EPCA

The current ecosystem including market and consumer demand for energy efficient products, intense market competition, industry innovation and effective public/private voluntary energy efficiency programs has resulted in significant gains in the energy efficiency of computer systems and will continue to do so for the foreseeable future. Absent mandated government regulations, the energy efficiency of computers has doubled and is projected to continue to double every 1.5 years.⁴ More efficient next generation products continuously replace older, less efficient models and technologies. Government mandates that require industry to design to a mandated energy efficiency standard rather than consumer demand will upset this ecosystem and create unique U.S. regulations and standards that diverge from global standards and inhibit both innovation and economic growth.

Like other ICT equipment, computers are complex and rapidly evolving. TIA appreciates the energy conservation program run by the DOE and recognizes the success of the program in

⁴ See Jonathan Koomey et al., *Implications of Historical Trends in the Electrical Efficiency of Computing*, 33 IEEE Annals of the History of Computing 3 (2011).

achieving energy efficiency gains in a variety of product categories. One reason for the success of the program has been the selection of product categories where the future of the technology and competing technologies are well understood, the pathway to efficiency gains is clear, and the functionality of the product is not in a state of flux. Refrigerator-freezers, air conditioners, water heaters, furnaces, washers and dryers, ovens, pool heaters, showerheads, faucets, urinals, etc. are examples of single function, mature products covered by EPCA where the product technology was in a phase where the DOE could set standards that are technically feasible and would not have negative unintended consequences for the innovation of future functionalities. Computer systems continue to be dynamic and are not well-suited for mandated standards. If DOE decides to proceed with the Proposed Determination, any regulation of computers considered by DOE should be carefully crafted to focus on least efficient products and provide clear exemptions for specialized and high performance products to avoid upsetting the current ecosystem that has and will continue to result in significant energy efficiency gains absent regulatory interference.

3. VOLUNTARY PUBLIC-PRIVATE PARTNERSHIPS SUCH AS THE ENERGY STAR PROGRAM ARE THE MOST EFFECTIVE VEHICLE MOVING FORWARD FOR IMPROVING THE ENERGY EFFICIENCY OF COMPUTERS

As stated above, voluntary public-private partnerships such as the ENERGY STAR have played an important role in encouraging industry adoption of energy efficient practices without impeding innovation of next generation products. ENERGY STAR Version 6.0 is currently under development. Industry is actively engaged with the ENERGY STAR program in developing leading energy efficiency standards for computers, pushing for substantial reductions in qualifying energy allowances. A mandated approach, focused on minimum standards and without the flexibility provided by the ENERGY STAR Program, would not be able to achieve efficiency gains achievable through industry working with ENERGY STAR.

TIA and our members have long been supporters of the ENERGY STAR program in a variety of product categories and commend the program as a successful partnership between the EPA, DOE and industry to recognize and reward innovation in energy efficiency. TIA's members greatly value the ENERGY STAR certification, and rely on this certification to market their products to retailers and consumers. ENERGY STAR has played a critical role in providing incentives and to reward the production of energy efficient technologies.

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 September 12, 2013.

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