

December 20, 2010

Katharine Kaplan
ENERGY STAR® Program
U.S. Environmental Protection Agency
Washington, DC 20036

Dear Katharine:

CEE appreciates the opportunity to provide comments on the Final Draft Version 3.0 and 4.0 set-top box specification dated November 30 and the Deep Sleep Requirements proposal dated December 14. CEE is the binational organization of energy efficiency program administrators, whose members are responsible for ratepayer-funded efficiency programs in the United States and Canada. CEE members actively work to make ENERGY STAR a powerful asset and the relevant platform for energy efficiency across North America. The comments CEE submits today are informed by discussion in the CEE Consumer Electronics Committee (Committee), and the organizations listed below have chosen to indicate their individual support for this letter.

Comments Related to the Final Draft

Duty Cycle Information and Home Network Interface Definition

CEE would like to thank EPA for the duty cycle information and modifications within the Final Draft 3.0 specification that are responsive to the comments CEE submitted on October 22, 2010. The set-top box duty cycle information that CEE requested is an important input to the energy savings calculations performed both by EPA (to evaluate the potential impacts of the proposed specification levels) and by CEE members (to evaluate the potential to promote ENERGY STAR set-top boxes in their efficiency programs). CEE also thanks EPA for revising the Home Network Interface definition to be more inclusive. The Committee believes that the new language EPA proposed in the Final Draft is more appropriate given the fast pace of technical developments in the set-top box product category.

Deep Sleep Mode General Qualification Criteria

CEE also thanks EPA for further defining the general qualification criteria for Deep Sleep Mode in the Final Draft specification that was circulated on November 30 (Section 3.2.4). Having a more precise description of this mode places energy efficiency program administrators in a stronger position to assess its energy savings potential. While the Committee reviewed the proposal for clarity and specificity, it does not have the expertise to comment on whether the qualification criteria

for Deep Sleep Mode are technically achievable, and therefore will not be submitting comments on that question.

Deep Sleep Mode Requirements Proposal

Due to the expedited review period established by EPA, CEE was unable to convene the Committee between the December 14 release of the Deep Sleep Mode Requirements Proposal and the December 20 comment deadline. However, several members participated in EPA's December 10 stakeholder call. Those who participated in that call noted that there were several questions raised regarding how energy savings from a Deep Sleep Mode would be achieved. For example, we understand that EPA is proposing to require a means by which end users manually activate Deep Sleep state (e.g., by pressing a button on a box's user interface). It may be difficult to ensure and quantify any projected energy savings associated with this proposal because they are behavior dependent. CEE members that have experience with behavior-dependent programs have stated that requiring customers to "opt out" of an efficiency measure (i.e., Deep Sleep Mode is the default) rather than "opt in" (i.e., customers must press a button to activate Deep Sleep Mode) may be a more effective approach to achieving energy savings. Given this input, CEE would appreciate learning more about how EPA has assessed consumer behavior and its potential impact on the effectiveness of the proposed Deep Sleep Mode requirements.

Unaddressed Comments from Previous Drafts

In its October comments, CEE sought additional information on several other matters related to the specification that EPA's Final Draft specification and comment response matrix do not fully address. We would appreciate EPA's further consideration of the topics below as it finalizes the specification.

Market Penetration

The ENERGY STAR Program historically has set specification levels to capture roughly the top 25 percent of available products in terms of efficiency. The Final Draft Version 3.0 specification, however, could recognize as many as 40 percent of eligible products. While setting a specification that captures such a high percentage of products is a deviation from past practice, it also makes it difficult for energy efficiency programs to promote qualified products. CEE therefore requests that EPA provide further elaboration on its rationale for the departure from the target mark of 25 percent.

Incremental Price Associated with Efficiency

Information on the incremental price increase associated with set-top box efficiency improvements is an important input to EPA and CEE member decision making. EPA requires this information to ensure that ENERGY STAR qualified set-top boxes are cost effective to the end user (and therefore meet the brand promise). Energy efficiency program administrators require incremental price information to determine whether they can offer incentives for ENERGY STAR qualified set-top boxes. CEE appreciates how difficult it can be to collect information on the incremental price associated with efficiency improvements. We would be cautious, however, in concluding that there is no incremental price for ENERGY STAR qualified boxes based only on the fact that some ENERGY STAR service provider partners supply 100 percent qualified boxes. We suspect that many other factors are at play in a service provider's decision to purchase ENERGY STAR set-top

boxes, such as meeting corporate sustainability commitments, competing for customers, etc. We therefore ask that EPA continue to research incremental price associated with set-top box efficiency improvements and share its findings with stakeholders ideally before finalizing the specification, but as soon as possible in order for CEE members to make an informed decision about their set-top box programs.

Energy Savings

CEE understands that obtaining energy performance data for non-qualified set-top boxes to support energy savings calculations is challenging. This information, however, is of critical value for at least two important reasons: 1) to assist EPA in calculating the cost effectiveness of the proposed levels – a tenet of the ENERGY STAR Program, and 2) to assist efficiency programs that are considering incentives for promotion of energy efficient “ENERGY STAR” qualified set-top boxes. We look forward to reviewing this foundational information or engaging in a discussion with EPA on the assumptions that it has made in the absence of obtaining this energy performance data.

Predicting Specification Levels

CEE has on several occasions raised questions about the practice of predicting future specifications (e.g., most recently in our December 17 comments on changing the effective date of the ENERGY STAR Version 5 television specification). This is due to the fact that the pre-announcement of future ENERGY STAR requirements represents a significant change in management of the ENERGY STAR Program with potential negative implications to the Program’s equity that has not been vetted with stakeholders at a Program-wide level. In CEE’s October comments, we requested an explanation as to how the practice of predicting future specifications relates to EPA’s larger strategy for managing the ENERGY STAR brand. The reply to date has not been responsive to our questions and we would therefore appreciate an opportunity to participate in a consultative process with other stakeholders to consider the Program-wide implications of predicting future specification levels. We share the objective of advancing energy performance in a responsible manner and wish to assist in achieving this end without detracting from the ENERGY STAR Program’s significant equity. We believe other Program stakeholders can offer important perspective to this end as well.

Thank you again for the opportunity to comment. CEE strongly supports ENERGY STAR and we are eager to work with you to consider how best to address the comments and questions raised in this letter. If you have any questions about these comments, please contact CEE Senior Program Manager Margie Lynch at MLynch@cee1.org or 617-337-9277.

Sincerely,



Marc Hoffman
Executive Director

Supporting organizations

Avista Utilities
BC Hydro
Cape Light Compact
DTE Energy
Hydro-Québec
Long Island Power Authority
Midwest Energy Efficiency Alliance
MidAmerican Energy Company
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New York State Energy Research and Development Authority
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