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May 22, 2009

Ms. Katharine Kaplan
ENERGY STAR Product Development
U.S. Environmental Protection Agency
1310 L Street, NW
Washington, DC 20460

Subject: ENERGY STAR TV Specification, Draft 1 Version 3.1

Dear Ms. Kaplan:

Thank you for the opportunity to comment on the ENERGY STAR TV Specification, Draft 1 Version 3.1 proposal. The Consumer Electronics Association is the preeminent trade association promoting growth in the \$172 billion U.S. consumer electronics industry. More than 2,200 companies enjoy the benefits of CEA membership, including legislative advocacy, market research, technical training and education, industry promotion and the fostering of business and strategic relationships. Among their numerous lines of business, CEA members design, develop, manufacture, and distribute televisions, with standard and advanced features, across all technology platforms.

As a long-time partner in energy efficiency, the consumer electronics industry is committed to the further success of the ENERGY STAR program. In particular, the existing TV specifications cover a large number of television models with a wide range of features and is therefore well suited for comment and input from CEA. We offer the following comments to guide Version 3.1 of the ENERGY STAR TV Specification as it is further developed.

Luminance

Section 3(D) of the draft specification notes the EPA's significant interest in ensuring that products are tested and qualified as ENERGY STAR in the mode in which they will ultimately be viewed in the home. The EPA indicates its interest in taking steps to help prevent unsatisfactory viewing experiences driving consumers to choose a more consumptive mode than that in which their television was qualified as ENERGY STAR. Accordingly, the EPA requests stakeholder feedback on how to achieve the stated goal, to ensure savings are realized by the consumer.

CEA members have a keen interest in preserving the high level of consumer satisfaction that has long characterized the television industry. Indeed, if consumers were unhappy with the default brightness settings of their newly purchased televisions, we would have heard it directly from our customers by now. All major TV manufacturers operate customer support

call centers. We are unaware of any increased call volume to these centers that can be traced to an unsatisfactory customer experience tied to default brightness levels. Moreover, retailers have not reported any increase in customer returns that can be traced to unsatisfactory default brightness levels.

The introduction of the “forced menu” concept into the Version 3.0 specification, as allowed by IEC 62087 Ed. 2.0, has resulted in dramatic power savings and a better viewing experience for consumers. This concept allows manufacturers to display their product on retail floors at a luminance level that drives sales and allows consumers to easily select a mode that is more appropriate for a normal home viewing environment. CEA does not believe there is sufficient evidence to suggest manufacturers are taking advantage of the “forced menu” by setting the “Home” mode “overly dim” in order to qualify. Accordingly, we do not believe a requirement linking the luminance or power levels in “Home” and “Retail” modes is necessary at this time.

Customer satisfaction clearly remains the number one goal of television manufacturers. As such, manufacturers have a strong self interest in ensuring that TVs are sold with a default brightness level appropriate for home viewing. In the absence of complaints to TV manufacturers and TV retailers, there does not appear to be a problem with default brightness levels. Thus, any proposal to limit luminance and/or tie luminance levels to power levels is, at best, premature. Manufacturers will continue to monitor customer satisfaction with their products, including ENERGY STAR qualified products, and customer feedback will serve as an “early warning” if televisions are indeed being shipped with default brightness levels that are too low.

We recommend that Version 3.1 not include a luminance criteria and instead revisit this feature when setting the Tier 3 specification currently scheduled to become effective May 1, 2012. This should allow adequate time from the inception of the Version 3.0 specification in November 2008 to carefully evaluate customer satisfaction with the ENERGY STAR TV program and make any necessary changes or adjustments.

Download Acquisition Mode (DAM) and the Consumer Market

Section 3(E) of the draft specification notes that TVs may automatically exit the Standby Mode according to a predefined schedule to communicate through a network protocol. The specification suggests that the duration of any Download Acquisition Mode (DAM) event must be less than 15 minutes. Additionally, a TV cannot spend more than two hours in DAM in any continuous 24 hour period. As noted during the stakeholders’ meeting in April 2009, these time limitations are insufficient to meet the needs of the services currently offered, and anticipated for future offering, that are enabled by the DAM feature.

CEA proposes that the EPA adopt a DAM model based on total power consumption while in DAM mode. Providing an equivalent power budget in Watt-hours, rather than limiting DAM time and/or maximum power, will allow TV manufacturers more flexibility to innovate in order to provide new and compelling data and service offerings without increasing overall power consumption in DAM mode over existing proposals. In addition, limiting DAM mode to total power consumption gives the EPA a clear target for future improvements, as well as offering a well-defined criteria that can be more easily tested.

Accordingly, CEA proposes that for the consumer market, that total DAM power consumption be limited to 80 Watt-hours in a 24 hour period. This allowance is equivalent to the power consumption of the current typical configuration for DAM mode: 20 Watts for normal operation during DAM mode, and DAM time requirements of four hours in a 24 hour period.

Download Acquisition Mode (DAM) and the Hospitality Sector

We further urge the EPA to consider the special case of televisions sold exclusively to the Hospitality sector. These TV's employ two-way communication with various Pay Per View providers that enable entertainment and services to hotel guests. This two-way communication allows a guest to choose a variety of services, and then permits the Pay Per View provider to deliver those services. As a result of this two-way communication, the Standby Mode power of the TV is slightly higher than a normal consumer TV. With hospitality TVs, enough power to keep the two-way communication circuitry active is required even when the TV is in Standby Mode. Moreover, constant two-way communication is a necessity to ensure guest satisfaction at all times during the On Mode operation of the television.

A Download Acquisition Mode limitation for hospitality TVs would have a serious adverse impact on guest satisfaction and would affect such television services in a manner significantly different from a residential television. Accordingly, the EPA should not set a Download Acquisition Mode limitation on televisions that are identified as, and only sold to, the hospitality sector.

On Mode Power Consumption

CEA supports the EPA's effort to identify an On Mode power consumption limit that rewards the best-in-class televisions with respect to energy efficiency. As such, the EPA strives to limit qualification to the top 25% of all televisions on the market. The high qualification rate associated with the current Version 3.0 specification is a testament to the success of the ENERGY STAR program in accelerating the natural trend towards more energy efficient TVs. However, as CEA stated in its December 11, 2008 letter to the EPA, this high qualification rate strongly suggests that now is the time to seek a more stringent On Mode power consumption limit, to again align the program's goal of rewarding only the top 25% energy efficient TVs.

The current draft specification specifies new Tier 2 and Tier 3 On Mode limits which become effective on May 1, 2010 and May 1, 2012, respectively. CEA has advocated in the past for effective dates that better align with TV manufacturers' model introduction schedules. CEA supports the May effective dates and thanks EPA for the change from a November to May effective date.

With regards to the Tier 3 limits proposed to become effective on May 1, 2012; CEA believes that it is premature to set an On Mode limit with an effective date almost three years in the future. The television market is currently in a very dynamic design cycle. It is very difficult to predict what an appropriate on Mode limit should be to meet ENERGY STAR program goals in 2012. CEA suggests that it would be more appropriate to review the

available data at a later date, perhaps 12 months before the proposed effective date, and set a limit at that time.

With regards to the Tier 2 limits, CEA is concerned that the proposed On Mode limits favor the qualification of small screen sizes at the expense of larger sizes. Even though EPA's proposed limits yield an overall qualification rate of approximately 25% based on the current data set, there are an infinite number of equations that can describe the On Mode power consumption limit in such a way as to achieve the desired qualification rate. As noted by several stakeholders during the April meeting, the equation currently proposed in Draft 1 is dramatically weighted towards smaller TVs. Astonishingly, over 80% of the televisions 23 inches or smaller qualify under the proposed limit. Yet less than 10% of the TVs over 26 inches qualify. In fact, in the category of large TVs of over 60 inches, only rear-projection TVs qualify.

The EPA's technology neutral stance, long advocated by the Agency, is now threatened by the proposed equation's leniency with respect to smaller TVs and strong bias against larger TVs.

CEA suggests two possible remedies to resolve this inequity. One approach is to adjust the equation by lowering the y-intercept and increasing the slope of the line. As before, the new equation must be written to ensure that only 25% of the TVs in the dataset qualify. Panasonic has suggested such an approach in its May 15, 2009 comments. Another approach is to construct an equation that leads to a "lightning bolt" configuration. This approach was utilized in Tier 1 of the specification and successfully provided flexibility to set qualifying limits tailored specifically to the size categories favored by consumers. The lightning bolt equation must also be constructed to ensure that only 25% of the TVs in the dataset qualify. Either approach, if properly designed, will equitably balance ENERGY STAR qualification rates across the broad range of TV sizes while ensuring a best-in-class reward. The alternative, as currently proposed, will cause consumers to necessarily associate the ENERGY STAR logo with only smaller TVs and will greatly complicate consumer's search for energy efficient TVs in the larger sizes often favored for the main television in a home.

CEA strongly urges the EPA to properly align the On Mode power consumption limit with the ENERGY STAR program goals. We are willing to offer specific qualification equations for consideration if the EPA finds such efforts helpful. Our goal must be to ensure that all television sizes have an equal, unbiased opportunity to participate in the ENERGY STAR program and that consumers can rely on the ENERGY STAR program for guidance when making purchasing decisions for any product size category.

The ENERGY STAR program for televisions has been, and remains, a huge success. We welcome the opportunity to work closely with the EPA to establish a new tier specification and look forward to its successful implementation in the marketplace. As always, please do not hesitate to contact us if you have any questions or requests.

Sincerely,

 /s/
Bill Belt
Senior Director, Technology & Standards

cc: Bijit Kundu, ICF International