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September 10, 2013

Katharine Kaplan
EPA Team Lead
ENERGY STAR Product Development
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
stbs@energystar.gov

Re: ENERGY STAR[®] Specification for Set-top Boxes Version 4.1, Draft 2

Dear Ms. Kaplan:

On behalf of the National Cable & Telecommunications Association (“NCTA”), I am responding to the Environmental Protection Agency’s (“EPA”) August 29, 2013 request for additional comment specific to a subset of topics in the ENERGY STAR[®] Specification for Set-top Boxes Version 4.1, Draft 2.

I. EPA SHOULD PROVIDE A GREATER ALLOWANCE FOR DOCSIS 3

In our prior comments, NCTA explained that DOCSIS 3 (D3) uses channel bonding capabilities that result in higher energy consumption than DOCSIS 2.0 (D2).¹ This is reflected in data submitted by Cisco in support of a 50 kWh D3 allowance and in the Tier 2 Annual Energy Allowances for the European Voluntary Agreement.²

EPA’s August 29 letter declines to provide any D3 allowance greater than the 20 kWh provided for D2, suggesting that wideband DOCSIS tuners and 1x1 mode will offset any increase.³ However, as Cisco explained in its earlier comments, the recommended D3 allowance of 50 kWh is based on 8.5W at 7 hours “on” and 4.5W at 17 hours “standby,” using wide-band

¹ NCTA Comments on Version 4.1 Draft 2, July 10, 2013, page 3.

² Cisco Comments on Version 4.1 Draft 1, April 15, 2013, pages 2-3.

³ EPA, August 29, 2013 letter, page 2.

full-spectrum tuners, with 1x1 mode employed. The EPA's suggestion to the contrary is not consistent with the record.

In a prior response, EPA offered a different reason not to provide a D3 allowance—that “DOCSIS 3.0, which supports multiple data channels, is typically used on multi-room STBs, and is therefore better addressed through the multi-room adder.”⁴ If EPA is still assuming that D3 is always used in multi-room implementations, there is a problem with its assumption. Service providers and equipment manufacturers are developing many creative and efficient techniques for delivering services to consumers, but innovation does not always take predictable directions. Innovation with D3 may well occur in devices that do not enjoy the multi-room adder, such as devices based on network-centric or cloud services. By marrying the two functionalities, rather than providing an adequate allowance for the known energy requirements of D3, EPA is frustrating innovation and creating additional disincentives for Energy Star partnership. The Administration has directed that its agencies avoid impeding such innovation. Executive Order 13563 commits federal agencies to “promote innovation” and “consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.”⁵ The Administration has also directed that any new regulation should take into account the evolving nature of emerging technologies and should promote innovation.⁶ These are goals that EPA could promote by providing a D3 allowance of 50 kWh.

Respectfully submitted,

/s/ Neal M. Goldberg

Neal M. Goldberg

⁴ EPA, Draft 1 Version 4.1 Set-top Box Comment Summary, Response 1, page 1.

⁵ Improving Regulation and Regulatory Review, Executive Order 13563, 76 Fed. Reg. 3821 (Jan. 21, 2011).

⁶ Memorandum for the Heads of Executive Departments and Agencies, Office of Science and Technology Policy, United States Trade Representative, Office of Information and Regulatory Affairs (Mar. 11, 2011).