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Katharine Kaplan  
US Environmental Protection Agency  
ENERGY STAR for Set-top Boxes  
1310 L Street, NW  
Washington, DC 20005

Steve Pantano  
ICF International  
1725 EYE Street, NW  
Suite 1000  
Washington, DC 20006

Dear Ms. Kaplan and Mr. Pantano;

Thank you for inviting all stakeholders to discuss this partnership and for taking our ideas and concerns into consideration when writing future standards.

Attached in this document are EPB's comments on the proposed Versions 3.0 and 4.0 ENERGY STAR program requirements for Service Providers.

I look forward to working with you through EPB's support of this partnership.

Sincerely,

Elizabeth Iris Crenshaw, *LEED® AP Operations + Maintenance*  
Strategic Research  
EPB

## Prorated Partnerships & 50% Partnerships

EPB commends EPA for seeking a Purchase Requirement compromise that would allow for more Americans to receive an ENERGY STAR rated STB. However, there are concerns surrounding the approach:

- **Customer Protection** – The concern centered on this issue is that the average American customer may understandably assume that his or her STB will be ENERGY STAR qualified if it is bought from an ENERGY STAR partner. This arrangement could lead to a lack of transparency that would negatively affect customers. The everyday customer may not double check his or her STB for that familiar blue sticker if their provider is a partner.

It is EPB's impression that all current partners under the Purchase Agreement option provide 100% ENERGY STAR qualified STBs. In this case, a customer can be assured that if he or she receives a new STB, it is federally certified to be energy efficient. Customers purchasing a new box from a 50% partner may believe that their STB is energy efficient when it may not be. EPB believes that customers should either be assured of receiving an energy efficient box or understand that one must be requested.

In addition to a concern for what is in the customer's best interest, EPB would like to see ENERGY STAR maintain the positive, trustworthy brand that it has built over many years. EPB requests that EPA consider adding provisions to prorated and 50% partnerships that would increase transparency. For example, EPA could ask that prorated and 50% partners maintain a certain level of communication surrounding the percentage of ENERGY STAR qualified STBs purchased. If customers understand that they are not guaranteed a qualified STB upon a content subscription, they may request energy efficient STB – much like HD STBs are treated today. Ensuring transparency would likely encourage the growth of the program via customer requests, and ENERGY STAR would further its mission and further maintain its brand as an advocate for the American consumer and the environment.

## Testing, Qualification and Labeling

**Testing** - EPB appreciates that EPA has included a provision that allows Service Providers to request that STB testing and labeling be handled by the Original Equipment Manufacturer (OEM). We request that this provision be included in the final requirements.

However, under the new proposed standards, Service Providers will be asked for additional reporting. EPB has concerns and suggestions regarding this new standard:

1. **Testing Location Requirements** – According to the text, testing must be done in an EPA-recognized, accredited laboratory; however some smaller Service Providers do not qualify to own such a laboratory under EPA's latest standards. Even if it were affordable to build and maintain, few Service Providers meet the "National Presence" requirement outlined in EPA's latest standards. Also, these

Providers may find contracting this service out to be cost prohibitive. EPA provides a Witness Testing program in which smaller businesses can avoid testing and lab costs; however, an option to utilize this program has not yet been given by EPA for this partnership. EPB suggests that Witness Testing be cost effective and be added as an alternative option to accredited lab testing.

2. **Customer Data** - It was suggested to EPB to review the testing requirements in the ENERGY STAR Program Requirements for STBs: Draft 2, Version 2 to get a detailed description of the types of material that could be submitted for testing under the Proposed Edits to Versions 3.0 and 4.0. From our reading of the text, it can be interpreted that customer usage data will play a role in compliance standards. EPB has privacy policies in place concerning customer information that commit us to keeping certain data private. This commitment to our customers could impact EPB's ability to comply with the proposed standard. In addition, customer usage fluctuates greatly from territory to territory, and some companies do not have the capability to measure customer usage to the degree necessary to effectively complete testing. For these reasons, if EPA is considering integrating customer usage into the requirements, EPB asks that EPA provide existing standardized data taken from a national average that can be applied to all Service Providers' required calculations.
3. **Sleep Mode** – Moving forward, EPB would caution that Sleep Mode configuration standards be liberal enough so that the Service Provider be able to maintain both customer satisfaction and ENERGY STAR partnership requirements. EPA may want to consider an allowance for a reasonable percentage of STBs that can be configured in such a way as to allow the customer to reset sleep mode provisions.
4. **“Wear and Tear” Testing**– EPB gathers from these new proposed requirements that EPA's ambition is to maintain the creditability of the ENERGY STAR program through increased transparency and reporting. It appears that ensuring customers that ENERGY STAR certified devices perform efficiently in the field is of special interest to the agency. Taking this into account, EPB suggests that there may be an opportunity for the OEM to test x number of STBs after they have been in use for x amount of time from x amount of ENERGY STAR Service Provider partners. This provision would ensure that over time, wear and tear does not affect energy consumption. OEMs are in a position to conduct this testing because they have the ability to resolve mechanical issues that affect energy consumption should any be found.