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VIA ELECTRONIC MAIL

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 09-AAER-2
1516 Ninth Street
Sacramento, CA 95814

Subject: Comments of Sony Electronics Inc. on 2010 Rulemaking Proceeding Phase II on Appliance Efficiency Regulation

Sony Electronics Inc. ("Sony") appreciates the opportunity to provide the following comments on the revised proposals, supporting data, and answers to stakeholder questions offered during the California Energy Commission's ("CEC" or "Commission") Efficiency Committee workshop held on May 19, 2011.

The Proposed Regulations Are Unnecessary, Duplicative, and Burdensome.

As the CEC is well aware, the United States Department of Energy ("US DOE") is currently developing battery charger system regulations that would apply nationwide. Although Sony understands the consumer benefits of greater energy efficiency, the CEC's efforts will undermine, not promote, this important goal by creating a duplicative and conflicting regulatory structure. As a number of product manufacturers and trade associations have noted, the CEC initiative will simply increase the costs to consumers of the regulated products while providing no corresponding incremental benefit. Sony accordingly joins with its suppliers and competitors to urge the Commission not to create new rules for consumer products. If the CEC insists on moving forward with this proceeding, Sony encourages it to focus on regulating products that are outside of the scope of the US DOE rulemaking.

Manufacturers Need More Time To Meet The Proposed Performance Parameters

Assuming that the CEC proceeds with additional regulations for battery charger systems, which, as stated above, it should not, these regulations must allow greater time for compliance. Sony alone offers more than one-hundred different products that rely on a battery charger system. Meeting the proposed performance parameters will require the redesign and reengineering of most of these systems, and the cost estimates provided to the CEC by non-manufacturer consultants dramatically underestimate the scope and magnitude of this effort. Coordinating design changes for one product category is difficult but, to some degree,

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manageable. Coordinating design changes for all product categories simultaneously, particularly in a short time frame, is unreasonably costly and disruptive.

To mitigate this cost and disruption, Sony urges the Commission to delay the effective date for consumer product compliance by one year, until January 1, 2013 and until January 2014 for non-consumer products or impose less stringent performance parameters based on charger characteristics. Alternatively, the Commission should consider introducing compliance obligations over time, using a tiered approach as it did recently for television products. Such a tiered approach would mitigate the harm from the proposed regulations by allowing manufacturers, particularly manufacturers of multiple products like Sony, to undertake more comprehensive redesigns of battery charger systems that account for energy efficiency, consumption, safety and compliance.

The Commission Should Revise The Proposed Test Procedure To Account For Energy Use In Different Modes And To Separate Energy Use For Functions Unrelated To Charging

To enable compliance with any regulations ultimately imposed on battery charger systems, the Commission must define a clear test procedure that accounts for all the variety of charger systems available in products today. The test procedure currently proposed by the Commission has been designed to evaluate products that use a mechanical or digital switch to activate or deactivate additional functionality. This method, however, does not return accurate results when used to evaluate products with physically integrated electrical circuits or products where the battery is physically attached to the printed wired board.

Accordingly, Sony urges the Commission to revise the proposed test procedure to ensure that it captures only the energy used for charging, and does not capture the energy used for other functionality of the product. One method currently used in the EPA voluntary programs is to account for functional adders, though alternative methods could also work. Given the importance of developing an accurate test procedure, Sony asks that the Commission sponsor a stakeholder workshop on this subject before writing a test procedure into any final rules.

The Proposed Marking Requirement Is Unnecessary and Burdensome

Sony opposes the proposal to mandate inclusion of a mark signifying compliance with any battery charger system regulations that the Commission ultimately adopts. This requirement makes little sense on its face, given that all products sold in California that include battery charger systems would need to meet the proposed performance parameters and other battery charger system regulations as a condition of sale. Adding the proposed mark to the product nameplate, packaging or instruction manual, provides the consumer with no new information and thus serves no rational purpose.[1] Such marks make sense when used to denote conformity with

[1] In particular, any requirement for manufacturers to add *efficiency* markings to products that include battery charger systems, in the same fashion currently required for external power supplies, makes little sense, given that the proposed battery charger system rules do not regulate energy efficiency.

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voluntary compliance regimes, like the U.S. Environmental Protection Agency's Energy Star program, but are inapposite in the context of mandatory government regulations.

Even if a marking requirement made sense, which it does not, requiring inclusion of the mark on the nameplate of the product, the retail packaging of the product, and on the cover page of the instructions for the product is duplicative and unnecessarily burdensome. As a general matter, products and product packaging already include a variety of different marks, and adding yet another will do little more than increase consumer confusion. Specifically with regard to marks on the product nameplate, consumers only see this nameplate after purchasing the product at retail and removing it from its packaging. Product nameplates already contain a number of different mandatory marks such as those required by the FCC and other safety testing bodies, and adding additional marks will require redesign of the nameplate and, in many instances, the area where the nameplate attaches to the product, again while providing no consumer benefit.

The Proposed Rules Will Stifle Innovation And Delay Introduction of Emerging Technologies

The proposed regulations fail to account for new battery charger system technologies and will as such deter innovation and the introduction of these new technologies. For example, Sony and other manufacturers have begun development of new magnetic resonance ("MR") charging systems, and had hoped to introduce products that incorporate these new systems into retail products in the near future. Because the charging process occurs without electrical contact between the charger and the battery, MR battery charging systems would likely be categorized as inductive charging systems under the proposed regulations. MR charging systems differ from inductive systems, however, in significant ways. For example, MR chargers operate by detecting the presence of a battery and initiating the charge process. By contrast, inductive chargers simply activate in the presence of a metal near the charging surface. In addition, MR chargers offer the capability of charging a number of different batteries for different products, including batteries with different chemical compositions, thereby eliminating the need for multiple chargers in a household. MR chargers, however, may require additional energy to maintain the detection and identification circuit in order to begin charging immediately upon detecting the presence of a battery.

As a result of these differences in technology and design, MR chargers offer the prospect of significant consumer benefits, including improvements to ease of use and energy savings, over inductive systems. Alternatively, the Commission should strongly consider adopting different performance parameters for MR battery charger systems. If the Commission chooses this latter approach, Sony requests that the performance parameters for MR battery charging systems allow for a 24-hour charge and maintenance energy limit of (24 + 3.6Eb) x N, with Maintenance and No Battery Mode limits of 1W respectively.

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The Commission Should Not Regulate Products Charged Via Undedicated USB Ports

Sony opposes proposals to regulate charger systems for products that receive voltage though an undedicated USB port, such as the ports found on personal computers and many televisions. These systems charge secondary products, operate only while the main product (i.e. TV, computer) is in the on mode, and use only a *de minimis* amount of energy compared to the energy used by the primary product. Any energy savings that results from regulation of these secondary products would likely be miniscule, and would provide little consumer benefit, particularly when measured against the burden of measuring compliance against performance parameters. As such, Sony urges the Commission to consider excluding these undedicated USB charger systems from the rulemaking.

Respectfully Submitted,

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