

**DOCKETED**

<b>Docket Number:</b>	20-AAER-03
<b>Project Title:</b>	Amend Title 20 Computer and Monitor Regulations
<b>TN #:</b>	234977
<b>Document Title:</b>	Notice of Proposed Action (NOPA) - Appliance Efficiency Rulemaking for Computers and Monitors
<b>Description:</b>	Notice of Proposed Action (NOPA) - Appliance Efficiency Rulemaking for Computers and Monitors
<b>Filer:</b>	Soheila Pasha
<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**

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Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)  
CEC-57 (Revised 1/19)

**NOTICE OF PROPOSED ACTION**

Title 20. Public Utilities and Energy  
Division 2. State Energy Resources Conservation and Development Commission  
Chapter 4. Energy Conservation  
Article 4. Appliance Efficiency Regulations

Docket No. 20-AAER-03  
Computers and Computer Monitors  
Notice Published on October 2, 2020

**INTRODUCTION**

The California Energy Commission (CEC) proposes to amend the computer and monitor regulations in the Appliance Efficiency Regulations after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The CEC will hold a public hearing for the proposed regulations at the date and time listed below. Interested persons, or his or her authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed regulations at the public hearing. *The record for this hearing will be kept open until every person has had an opportunity to provide comment.*

The public hearing will be held remotely, consistent with Executive Orders N-25-20 and N29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. Instructions for remote participation are below.

**Wednesday, November 18, 2020**  
10:00 a.m. (Pacific Time)

**REMOTE PARTICIPATION**

Remote Attendance Participants may join by accessing Zoom at: <https://energy.zoom.us/j/92362730329?pwd=ZDNOdFQ0SVFKN3NVTVBLTzZydmVjQT09> and enter the unique Webinar ID and password for each session (listed below). Zoom technical support is available at 1-888- 799-9666 ext. 2, or you may contact the CEC's Public Advisor's Office via email or phone. To comment or ask a question, dial \*9 to use the "raise hand" feature in Zoom.

Webinar ID: 923 6273 0329

Password: 604310

To participate by telephone, call Zoom at 1-877-853-5257 or 1-888-475-4499 (toll free). When prompted, input the unique Webinar ID and password listed above. To comment or ask a question over the telephone, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

## **PUBLIC ADVISOR**

The CEC’s Public Advisor’s Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this forum, or to request language services or other reasonable accommodations, please contact the Public Advisor, Noemi O. Gallardo, at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or by phone at (916) 654-4489, toll free at (800) 822-6228, or by fax at (916) 654-4493. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor’s office via email or phone.

## **NEWS MEDIA INQUIRIES**

Direct news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by [email](mailto:mediaoffice@energy.ca.gov) at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

## **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments to the CEC for consideration on or prior to November 16, 2020. The CEC appreciates receiving written comments at the earliest possible date.

Please submit comments using the CEC’s e-commenting feature by going to the web page found at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>, Docket 20-AAER-03, then select the “Submit e-comment” link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user, click on “Agree & Submit Your Comment” to submit the comment to the CEC’s Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit  
California Energy Commission  
Docket No. 20-AAER-03  
1516 9th Street, MS-4  
Sacramento, CA 95814  
Telephone: (916) 654-5076  
Or by [email](mailto:docket@energy.ca.gov) to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).  
Or fax them to Dockets at (916) 654-4354.

All written comments shall comply with the requirements of 20 C.C.R. § 1208.1.

### **STATUTORY AUTHORITY AND REFERENCE**

Public Resources Code Section 25213, 25218(e), 25402(c), authorizes the Energy Commission to adopt rules or regulations, as necessary, to implement and make specific Public Resources Code Sections 25216.5, and 25402(c).

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandates and/or authorizes that the Energy Commission adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the CEC satisfies this requirement is through the Appliance Efficiency Regulations (California Code of Regulations (CCR), Title 20, Sections 1601-1609), which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the CEC that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the CEC's Modernized Appliance Efficiency Database System (MAEDbS) of appliances approved to be sold or offered for sale within California.

In 2017, the CEC amended the regulations for computers and computer monitors in response to new technologies. Recently, the CEC has been presented with a list of new technologies for computers and computer monitors that were not available at the time of the previously completed computers rulemaking.

Therefore, the CEC proposes the following amendments to the Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test

procedures for computers and computer monitors to incorporate new technologies and innovations.

Existing regulations regulate the idle-mode energy consumption of most types of computers, including desktops, notebooks, workstations, and small-scale servers. The base level of energy consumption for most computers including notebooks is set at a flat rate. The regulations then provide for energy “adders” that allow manufacturers to consume energy above the base level if they contain certain additional features and functionalities in their products. Workstations and small-scale servers do not have base levels and adders but are instead required to include certain energy efficient features to ensure that energy consumption remains low.

The proposed regulations would provide a new energy allowance, or “adder”, for a type of new, innovative computer gaming monitor. This new technology allows users to view image contents with a much faster refresh rate. Computer monitor on-mode energy consumption will increase as its refresh rate rises. The second tier of the energy allowances for computer monitors in the existing regulations, which will become effective on January 1, 2021, can accommodate energy consumption of monitors with refresh rates up to 300 Hz. The proposed energy adder applies to the second-tier standards and pertains only to computer monitors with refresh rates of 300 Hz or higher.

The proposed regulations would also add a new energy adder for a new type of Ethernet that provides data transfer rates of more than 1 gigabits per second and less than 10 gigabits per second. Regardless of their data transfer rates, Ethernet ports provided through an add-in card receive the generic energy adder for add-in cards. For this reason, the new energy adder is only applied for Ethernets with data transfer rates between 1 to 10 gigabits per second that are integrated onto the motherboard and therefore do not meet the definition of an add-in card.

The proposed regulations would also modify the existing regulations by supplementing a definition for computers with cyclical behavior. Most battery-operated computers only charge their batteries when connected to the AC main power source. However, notebooks computers that incorporate this new technology periodically charge and discharge their batteries while they are connected to the main power source, causing a cyclical pattern in power consumption by the computer. Furthermore, the CEC proposes to address the test procedure for this type of computer through this rulemaking.

The proposed regulation would also add a new definition for multi-screen notebooks. These new innovative notebooks offer secondary screens embedded on the surface where the notebook keyboard is typically located. For these notebooks, the keyboard is typically in the form of touch screen, although it could also be a mechanical keyboard. However, multi-screen notebooks with mechanical keyboards meet the existing definition of a notebook computer and do not need to be included in the new definition. The proposed regulations would further modify the existing regulations by

modifying the definition of notebook computers to allow inclusion of multi-screen notebook computers, meaning they would have to comply with the notebook standards. The proposed regulations would also modify the test procedure to address the testing protocol for these multi-screen computers.

**Difference from existing comparable federal regulation or statute**

The CEC has determined that there are no existing comparable federal regulations or statutes.

**Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments**

The broad objective of this rulemaking is to update to the Appliance Efficiency Regulations to modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations.

The specific benefit of this rulemaking is to ensure California residents will continue to have access to new and innovative computer and computer monitor technologies.

**Determination of inconsistency or incompatibility with existing state regulations**

The CEC has conducted an evaluation for other state regulations in this area and has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**DOCUMENTS INCORPORATED BY REFERENCE**

None

**MANDATED BY FEDERAL LAW OR REGULATIONS**

None

**OTHER STATUTORY REQUIREMENTS**

None

**FISCAL IMPACTS**

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None
- Cost or savings to any state agency: None
- Non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the state: None

## **SIGNIFICANT EFFECT ON HOUSING COSTS**

None

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES**

The CEC has made an initial determination that the proposed regulations are unlikely to have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The CEC is proposing to amend Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations that were not known at the time of the previously completed rulemaking.

The proposed regulations do not create the need for a new, non-existent good or service. Instead, it allows for the improvement of products that will replace some of the existing goods in the market. These are the new generations of the same products, and the total amount of computers sold is not expected to change as a result of this rulemaking. Businesses engaged in the manufacturing or sale of computers and computer monitors will benefit by being able to market and sell more product diversity and include products that utilize new technologies. For consumers, including businesses, small businesses and state and local agencies that purchase and use computers and computer monitors, this broader product offering in the California market typically leads to greater competition and stable or slightly decreasing prices. The proposed changes will ensure that California residents and businesses continue to have access to new and innovative technologies.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been revised to certify computer and computer monitor products, the CEC believes that some retailers may experience additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The CEC concludes that it is: (1) unlikely the proposal will create jobs within California, (2) unlikely the proposal will eliminate jobs within California, (3) unlikely the proposal will create new businesses in California, (4) unlikely the proposal will eliminate existing businesses within California, and (5) unlikely the proposal will result in the expansion of businesses currently doing business within the state.

Benefit of the Proposed Action: The benefit of this proposed action is to update the Appliance Efficiency Regulations to incorporate new technologies related to computers

and computer monitors to ensure California residents will continue to have access to appliances that incorporate new and innovative technologies.

The proposed regulation will not affect the health and welfare of California residents, worker safety, or the state's environment.

### **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The CEC is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The CEC is proposing to amend Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations that were not known at the time of the previously completed rulemakings.

The proposed regulations do not create the need for a new, non-existent good or service. Instead, it allows for the improvement of products that will replace some of the existing goods in the market. These are the new generations of the same products and the total amount of computers and computer monitors sold, and the overall net cost of those products is not expected to change as a result of this rulemaking. Businesses engaged in the manufacturing or sale of computers and computer monitors will benefit by being able to market and sell more product diversity and include products that utilize new technologies. For consumers, including businesses, small businesses and state and local agencies that purchase and use computers and computer monitors, this broader product offerings in the California market typically leads to greater competition and stable or slightly decreasing prices. The proposed changes will ensure that California residents and businesses continue to have access to appliances that utilize new and innovative technologies.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been revised to certify computer and computer monitor products, the CEC believes that some retailers may experience additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

### **BUSINESS REPORT**

The regulations impose a reporting requirement for manufacturers of computers and computer monitors. However, these are not newly regulated products, they are only being updated to require revised data submissions consistent with amendments to test procedures.

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable energy efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency

Regulations require manufacturers to provide specified information for this purpose to the MAEDbS. MAEDbS is used by manufacturers and maintained by the CEC to list the appliances authorized to be sold or offered for sale in California. This is necessary to help the CEC and consumers verify compliance with applicable federal and state efficiency standards. Some retailers may choose to act as a manufacturer when they rebrand a product and assume the certification burden for that appliance.

It is necessary for the health, safety, or welfare of the people of the state that these regulations, which require a report, apply to businesses.

### **SMALL BUSINESS**

The proposed regulations may affect small business. However, the CEC is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposed action; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The CEC invites interested persons to present statements or arguments, or data concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **CONTACT PERSON**

Please direct inquiries concerning all aspects of the rulemaking process including requests for copies of the proposed text (express terms), the initial statement of reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman  
Regulations Manager, Efficiency Division  
1516 Ninth Street  
Sacramento, CA 95814-5512  
(916) 690-5000 (cell)  
[corrine.fishman@energy.ca.gov](mailto:corrine.fishman@energy.ca.gov)

If Corrine Fishman is unavailable, please contact Soheila Pasha at [Soheila.pasha@energy.ca.gov](mailto:Soheila.pasha@energy.ca.gov).

## **COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE**

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Economic and Fiscal Impact Statement (399) and the ISOR. Copies may be obtained by contacting Corrine Fishman at the address or phone number above or accessed through the CEC website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>.

## **AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS**

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

## **COPY OF THE FINAL STATEMENT OF REASONS**

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the Energy Commission's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4> or contacting the contact person above.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>