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February 20, 2008

Ms. Katharine Kaplan  
ENERGY STAR Product Manager  
Consumer Electronics and Office Equipment  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: ENERGY STAR® Program Requirements for Set-top Boxes**

Dear Ms. Kaplan:

On behalf of the National Cable & Telecommunications Association (“NCTA”), I am responding to the request by the Environmental Protection Agency (“EPA”) for comments from industry stakeholders on three “discussion documents” pertaining to the ENERGY STAR® Program Requirements for Set-top Boxes and distributed to industry stakeholders for comments on February 13, 2008. NCTA is the principal trade association for the U.S. cable television industry, representing cable operators serving more than 90 percent of the nation's cable television households, more than 200 cable program networks, and suppliers of equipment, including set-top boxes, and services to the cable industry. NCTA welcomes the opportunity to submit comments on the following topics raised by the EPA in their discussion documents.

The requirement in the Draft 3 specification that set-top boxes with external power supplies must use external power supplies capable of meeting ENERGY STAR® criteria

NCTA supports the proposal put forth in this EPA discussion document to address the use of external power supplies with set-top boxes. This proposal clarifies that service providers are not expected to replace legacy external power supplies for legacy set-tops that could otherwise be reconfigured to meet Tier 1 criteria, and is consistent with the changes NCTA recommended in its comments of February 11, 2008.<sup>1</sup>

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<sup>1</sup> See Attachment accompanying Letter from Andy Scott, Vice President, Engineering, NCTA, to Katharine Kaplan, ENERGY STAR Product Manager, U.S. Environmental Protection Agency (February 11, 2008) at row 33.

### EPA's expectation for testing a representative sample size of products

NCTA generally supports the procedure proposed by the EPA in this discussion document as a reasonable method to determine that an appropriate representative sample size has been tested when qualifying and reporting set-top boxes for ENERGY STAR<sup>®</sup>. However, in addition to the requirement as outlined in the discussion document which indicates that an ENERGY STAR<sup>®</sup> Partner must report the test results to EPA using a Qualified Product Information form developed by EPA, we believe an online product submittal process should also be supported as suggested in the draft ENERGY STAR<sup>®</sup> Program Requirements.<sup>2</sup> Furthermore, the EPA has represented to Stakeholders that in-depth information on the reporting requirements for participants is forthcoming. Our members will need the opportunity to read and review such documentation prior to any commitment to ENERGY STAR<sup>®</sup> requirements. Individual companies' purchase and deployment figures are highly confidential and should not be required, nor be able to be inferred by the metrics reported to EPA.

### The specifics for counting products toward the purchase and deployment requirements put forth in the Draft 3 specification for Service Providers

At the present time NCTA would prefer to retain the criteria currently specified in the draft ENERGY STAR<sup>®</sup> Program Requirements. The current criteria require that ENERGY STAR<sup>®</sup> Partners ensure that 50% of all set-tops purchased and 50% of all new boxes deployed to subscribers within a calendar year are ENERGY STAR qualified, and that refurbished or reconfigured set-tops (i.e. "legacy boxes") may be counted toward the purchase and deployment requirement if they meet the same energy efficiency requirements noted for new set-top boxes.<sup>3</sup> Indeed, many service providers will find it difficult to meet the 50% threshold in 2009 and participate in the program absent the ability to count reconfigured set-tops that meet the energy efficiency requirements towards this threshold. Assuming that the language change NCTA recommended in its comments of February 11, 2008 is accepted by the EPA,<sup>4</sup> we feel the existing criteria provides a reasonable starting point for the program while at the same time creating incentives for manufacturers and service providers to work together to investigate solutions to help make deployed products more energy efficient. However, we are not opposed to exploring further with the EPA new approaches to counting products toward the purchase and deployment requirements.

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<sup>2</sup> See ENERGY STAR<sup>®</sup> Program Requirements for Set-top Boxes, Draft 3 Version 2.0, January 14, 2008 at lines 658-660.

<sup>3</sup> See ENERGY STAR<sup>®</sup> Program Requirements for Cable, Satellite, and Telecom Service Providers, Partner Commitments, Draft 3 – Version 1.0, January 14, 2008 at lines 20-21 and lines 37-40

<sup>4</sup> See Attachment accompanying Letter from Andy Scott, Vice President, Engineering, NCTA, to Katharine Kaplan, ENERGY STAR Product Manager, U.S. Environmental Protection Agency (February 11, 2008) at row 26.

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NCTA looks forward to working further with the EPA and other stakeholders in developing the ENERGY STAR<sup>®</sup> Program Requirements for Set-top Boxes. Should you have any questions or seek additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy", written in a cursive style.

Andy Scott  
Vice President of Engineering

cc: Darcy Martinez, ICF International