MEMORANDUM

To: expartecommunications@hq.doe.gov
Cc: DoE meeting attendees
From: CEA, ITIC, TIA, A4WP
Date: May 5, 2014
Re: Docket No. EERE– 2008–BT–STD–0005, RIN 1904–AB57
Ex parte communication
Department of Energy

This memorandum provides a summary of an April 29, 2014, meeting with U.S. Department of Energy ("DoE") staff concerning DOE's rulemaking relating to regarding Energy Conservation Standards for Battery Chargers.

Meeting attendees:
Daniel Cohen (DoE Office of General Counsel)
Jeremy Dommu (DoE Office of Energy Efficiency and Renewable Energy)
Michael Kido (DoE Office of General Counsel)
Douglas Johnson (Consumer Electronics Association - CEA)
Erica Logan (Information Technology Industry Council - ITIC)
Joseph Andersen (Telecommunications Industry Association - TIA)
Shahid Sheikh (Intel Corporation)
John Kuzin (Qualcomm Incorporated)
Robert Kubik (Samsung Electronics)

The parties discussed the attached memorandum, which asks the DoE to issue a limited ruling that formally defers assessment and potential regulation of wireless battery chargers to a later date in order to enable continued innovation of this developing technology that helps to ensure that consumer electronic devices are powered when they are needed most. The parties also discussed comments that CEA, ITIC, TIA, and the Alliance for Wireless Power (A4WP) each have filed in this docket relating to the need to defer energy efficiency regulation of wireless battery chargers. Messrs. Sheikh, Kuzin and Kubik represented the A4WP.

The DoE Should Issue a Limited Order Exempting Wireless Battery Chargers from Energy Conservation Standards to Enable Continued Innovation Within This Dynamic Technology Sector

The Alliance for Wireless Power ("A4WP"), Consumer Electronics Association ("CEA"), Information Technology Industry Council ("ITI"), and Telecommunications Industry Association ("TIA"), among others, strongly supported DoE's proposal in the 2012 NOPR to defer regulating wireless charging systems (specifically those that operate in a dry environment) because the technology is currently in a nascent stage, and premature regulation could have adverse and unintended consequences.[1] DoE should formally enact this proposal.

There is active innovation in wireless charging. Companies are designing innovative technologies to enable wireless charging of all types of battery-powered devices: smartphones, tablets, Bluetooth headsets, hearing aids, gaming devices, etc. These technologies will allow consumers to charge several battery-powered devices simultaneously simply by placing them on a charging pad or properly-equipped table, desktop, or vehicle console, thereby eliminating the need to connect each device to a separate power adapter plugged into a local ac outlet. By providing more convenient and readily accessible charging options, wireless charging systems will help ensure that consumers' phones, tablets, hearing aids, etc. are charged when they are needed most, such as during emergencies. Eliminating the need to carry a power adapter for each electronic device is environmentally friendly since it will vastly reduce the number of chargers that have to be disposed of. Premature regulation of these nascent technologies will impede their growth before consumers ever have the chance to enjoy their benefits.

DoE's recent ruling did not address this issue, leaving CEC rules for wireless chargers intact. In February 2014, the DoE issued energy conservation rules for external power supplies but deferred any ruling as to battery chargers in large part because manufacturers were already complying with the California Energy Commission ("CEC") battery charger rules. In contrast to the restraint DoE demonstrated in the 2012 NOPR, the CEC imposed regulations on wireless chargers, despite recognizing that the technology is still in a nascent state of development and innovative wireless charging products based upon loosely coupled wireless charging technology were not even on the market and thus not analyzed. Oregon recently adopted the CEC rules, and other states are looking to do so.

Exceptions to CEC wireless charger rules may be ignored by additional states that adopt CEC rules. Wireless charging manufacturers that cannot comply with the CEC rules can avoid doing so by: (1) separately selling the charging pad from the battery pack – CEC has said such a sale is not a "battery charger system," or (2) providing a separate wired charging means that complies with CEC rules and informing users that the wired connection is the primary means of charging. These exceptions were provided in informal guidance the CEC provided via an FAQ document and in response to a question asked during its October 2012 implementation workshop. There is no guarantee that other states that adopt the CEC rules will honor these informal exceptions.

Prompt DoE action is needed. DoE recognized in the NOPR that "the ability to charge multiple devices simultaneously and wirelessly offers a unique utility to consumers that could adversely and inadvertently be affected by standards." These concerns, coupled with the immaturity of the technology and concomitant lack of energy efficiency performance data, appropriately guided DOE to propose to defer regulation of wireless chargers. Unless DoE finalizes this decision, however, manufacturers will be forced to attempt to comply with various state rules, which may not be uniform and will impede the successful development and deployment of wireless charging.

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[1] *See* Department Of Energy, Office of Energy Efficiency and Renewable Energy, Docket No. EERE–2008–BT–STD–0005, RIN 1904-AB57, Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies, Notice of Proposed Rulemaking ("2012 NOPR"), 77 Fed. Reg. 18478, 18504-05 (Mar. 27, 2012).