
Consumer Electronics Group



SUMMARY OF THE TV INDUSTRY'S OPPOSITION TO DOE'S PROPOSAL TO ESTABLISH AN ENERGY STANDARD FOR TVs

The Department of Energy (DOE) issued a proposed regulation that would establish energy consumption limits for television receivers. 59 *Fed. Reg.* 10464 (March 4, 1994). Although the television industry supports DOE's objective of conserving energy, we strongly oppose the proposed regulation. We urge the Department to withdraw its proposal and to make an affirmative determination that no standard is appropriate or necessary for the following reasons:

- A mandatory energy consumption standard for television receivers will *not* promote the goal of decreased energy consumption. Establishing a ceiling on energy consumption will inevitably force manufacturers either to reduce picture quality or to remove energy-consuming features that enhance the usefulness and convenience of the product to the consumer. Ultimately, features squeezed-out by regulation will be delivered to consumers by separately powered set-top devices; the net effect will be an *increase* in overall energy consumption.
- In contrast to the 17 other products expressly listed in the statute, Congress has *never* required DOE to set a standard for television receivers. Rather, Congress has authorized the Department to exercise its discretion in determining whether to establish regulations for television receivers.
- The television manufacturing industry operates under intense competitive market pressures to reduce energy consumption, because lower energy consumption reduces operating temperatures and thereby increases a product's reliability. Improvements are adopted as soon as they are technologically and commercially feasible.
- Television receivers already consume low amounts of energy. On average, a typical 20-inch television receiver currently uses less energy than a 100-watt light bulb.
- The proposed standard would impose severe energy consumption constraints on television receivers. According to DOE's own calculations, the proposed rule would require more than a 30 percent reduction in the energy consumed by a typical television receiver. There is *no* credible evidence that energy consumption could be reduced to anything *close* to this level without extreme price and performance consequences.
- DOE's stated rationale for regulating television receivers mistakenly equates lower energy consumption with greater energy efficiency. These two concepts are not necessarily related. A television receiver with better picture quality and more features will generally consume more energy. Variations in the amount of energy consumed by television receivers are primarily attributable to differences in the performance and features of the products, *not* to disparities in "energy efficiency."

- The proposed standard, by encouraging the migration of features out of television receivers and into set-top devices, will contravene a clearly articulated goal of the Cable Television Consumer Protection and Competition Act of 1992.
- Currently, domestic television manufacturing is a \$5 billion industry, annually producing 13.5 million television sets and directly employing over 25,000 skilled workers in 14 States. In addition, a substantial number of domestically-produced television receivers are currently exported to Canada, Mexico, Japan, Taiwan, Central America, South America, and Europe. If adopted, the proposed standard will have a serious and adverse economic impact on the television manufacturing industry and will likely cause many Americans to lose well-paying jobs.
- The television manufacturing industry is now poised to deliver a wide range of products that will provide the American public with the most readily accessible means to navigate the "information superhighway." Yet, DOE's proposal would needlessly constrain the manufacturing industry's ability to produce television sets capable of processing video, audio and data in new ways. Therefore, it may be impossible to introduce such services as high-speed data broadcasts.
- Establishing an energy standard for television receivers would skew marketplace competition between and among various kinds of "information appliances" for the rapidly evolving "information superhighway."
 - Features may migrate from the television receiver to other products even though technical and economic considerations would otherwise dictate that those features be maintained in television receivers.
 - The proposed rule would effectively eliminate television manufacturers as competitive players in the emerging "information superhighway" market.
- DOE's proposal will unnecessarily restrict the television manufacturing industry's ability to introduce the technological innovations necessary to produce advanced television (*i.e.*, "high-definition television" or "HDTV") and interactive television.
- The value of any energy savings achieved by the proposed standard would be greatly outweighed by the fact that the rule will severely lessen the utility and the performance of television receivers.

The television industry firmly believes that DOE's proposal fails to meet the clear statutory requirements for establishing an energy standard and is totally lacking in factual and analytical support. Moreover, an energy standard is not necessary and, in fact, would be counterproductive for two reasons: (1) it would ultimately *increase* — not decrease — overall energy consumption; and (2) it would impose serious economic burdens on both consumers *and* our industry. In addition, the Department's proposal is in direct conflict with the Cable Act, and would be inconsistent with the Administration's policies regarding the information superhighway. Therefore, DOE should withdraw its proposal to establish an energy standard for television receivers and make an affirmative determination that no standard is appropriate

POSITION PAPER
CONSUMER ELECTRONICS GROUP
OF THE
ELECTRONIC INDUSTRIES ASSOCIATION

concerning

PROPOSED ENERGY STANDARDS
FOR TELEVISION RECEIVERS

EXECUTIVE SUMMARY

Under the Energy Policy and Conservation Act,^{1/} the Department of Energy (DOE) must set energy conservation standards for certain household appliances, such as water heaters, furnaces, ovens, and others. DOE has *no* mandate to establish an energy standard for television receivers. Instead, Congress has authorized DOE to exercise its discretion to determine whether a standard for televisions is appropriate. Currently, as part of its "Eight Products Rulemaking,"^{2/}

Currently, the Department is considering whether to create such a standard, thereby placing a limit on the energy consumption of television sets manufactured or distributed in the United States. The record developed as part of this rulemaking demonstrates that three statutory prerequisites for establishing such a standard are not satisfied. The proposed rule (1) will not result in a significant conservation of energy, but will likely cause an increase in overall energy consumption; (2) is not technologically feasible without seriously jeopardizing performance and availability of desirable features; and (3) is not economically justified in light of the statutory criteria. Moreover, the proposed standard presents significant adverse public policy implications. The record of this administrative proceeding contains substantial evidence establishing the fact that no standard is needed for television receivers. Therefore, we believe that DOE should withdraw its proposed rule and issue an effective "no standard" standard for television sets.

POSITION OF EIA/CEG

1. The proposed energy conservation standard for television receivers will *not* result in a significant conservation of energy.

The proposed energy standard, by placing an arbitrary limit on the amount of energy used by a television receiver, will force manufacturers to eliminate desirable features that enhance the performance, usefulness, and convenience of the product. Features eliminated by regulation will inevitably be available to consumers via separately-powered devices (such as cable TV converter boxes). Ironically, the separate power supplies needed for these add-on devices will consume *more* energy than would be the case if these same features are integrated into the television. Therefore, the proposed rule will result in an *increase* — not a decrease — in overall energy consumption.

"Energy efficiency" in the traditional engineering sense, is not a meaningful measure for a television. The total energy consumed by a television is more a function of the quality of the picture and other features incorporated into the set, not the "efficiency" of the device itself. As an analogy, a 100-watt light bulb is no less "energy efficient" than a 60-watt light bulb; it is simply designed to produce, and will produce, more light. This additional light requires additional energy. Unlike the seven utilitarian appliances that are the subject of the Eight Products Rulemaking, the purpose of a television is to provide information, education and entertainment — not to produce light or to move air.

As the Department recognized in its Technical Support Document, existing market pressures already force television manufacturers to reduce the amount of energy to the maximum extent feasible because this energy, retained in the set as heat, is the primary cause of component failure.^{3/} Over the past 25 years, energy consumption of comparable models has dropped 80%, to the extent that today, a 20-inch color television uses *less* energy than a 100-watt light bulb. Yet, the Department wants to establish a standard that will require an additional 30% decrease in energy consumption. There is no credible scientific evidence showing that energy consumption could be reduced to anything close to this level, without extreme price and negative performance consequences.

2. The proposed standard for television receivers is not technologically feasible because it will require manufacturers to seriously compromise performance and reduce the availability of desirable features — at the expense of consumers.

The proposed energy ceiling will stifle newly-developed and inhibit developing technologies and features. The study on which the Department relied on when it developed the proposed standard is based upon data from televisions manufactured in 1987 and earlier. Yet, if adopted, will be applicable to TV sets manufactured over the next several decades. New generations of television technology are developed on the average of every three to five years; consequently, the Department's data is patently obsolete. Moreover, the proposed standard imposes an energy ceiling that utterly fails to consider the energy requirements of recent significant enhancements in picture and sound quality, as well as future developments. There is no reasonable justification for restricting tomorrow's technological advancements by establishing a regulation based on long out-dated information.

In addition, this arbitrary limit on energy use would result in future American televisions having pictures with reduced brightness, sharpness, and contrast. Consumers, whether the elderly who prefer clear and bright pictures or those who appreciate stereo sound quality, will be outraged at the loss of these features. The standard would also unduly restrict other new and newly-developing features, including high definition television ("HDTV"), interactive information and communications features necessary for access to the National Information Infrastructure (the "information superhighway"), on-screen program guides, and enhanced Emergency Broadcast System services.

3. The proposed energy conservation standard for television receivers is not economically justified in light of the statutory criteria.

Under the Act, the Department must determine whether a proposed energy conservation standard is economically justified by considering seven specific statutory criteria. Three of these criteria in particular warrant further consideration: (1) the economic impact of the proposed standard on manufacturers and consumers; (2) the lessening of the utility or performance of the product likely to result from the imposition of the standard; and (3) the impact of any lessening of competition, as determined by the Attorney General.

a. Impact on Manufacturers and Consumers

Even by DOE's own estimates (which may well be conservative), the new energy standard will result in a 7-10% increase in the cost most of television sets. This, coupled with reduced performance and limited features, will cause serious harm to the domestic television manufacturing industry.

Currently, domestic television manufacturing is a \$5 billion industry, annually producing 13.5 million television sets and directly employing over 25,000 skilled workers in 14 States. In addition, a substantial number of domestically-produced television receivers are currently exported to Canada, Mexico, Japan, Taiwan, Central America, South America, and Europe. The proposed standard would effectively choke this export business because American-made televisions will offer fewer features and deliver reduced performance.

The Department has acknowledged that the energy conservation standard for televisions will have an adverse economic impact on television manufacturers, but it characterizes these adverse impacts as "slight." However, this assertion is *not* supported by DOE's own data. Indeed, the preamble to the proposed rule notes that the prototypical manufacturer currently has a negative return on equity of 1.9% in the absence of any energy standards. Using DOE's estimates, the proposed standards will increase the negative return on equity by over 70% in the short run and 15% in the long run. It is hard to imagine any businessperson considering these impacts to be anything but drastic.

b. Lessening of Utility or Performance

As discussed more fully above, the proposed energy ceiling will needlessly limit newly-developed and developing features. DOE only gave superficial consideration to the potential lessening of utility or performance that would result if it adopted the proposed standard for television receivers. The *entirety* of the Department's discussion regarding the likely effects of the proposed standard on the product is as follows:

Lessening of utility or performance of products. As indicated above, DOE established classes of products in order to assure that the standards analyzed would not lessen the existing utility or performance of television sets.^{4/}

Under the proposed rule, however, the Department established only one "class" of televisions to which the standard would be applicable: color televisions sets with a screen size of 13 to 33 inches.⁵⁷ This "class" encompasses over 95% of the televisions receivers sold in the U.S. today. Moreover, the only variable the Agency considered in setting the energy cap was screen size, a factor shown to be statistically insignificant given the data submitted by DOE's contract laboratory. Because the Agency failed to consider many new and newly-developing features, the development of these technological improvements will unnecessarily be restricted by the standard. At a time when the television is the likely centerpiece of a new information revolution, it is short-sighted to limit its development and needlessly increase its cost.

Indeed, the Act's plainly-stated requirements preclude DOE from adopting the proposed standard. Section 325(o)(4) of the Act unequivocally states that the Secretary may not prescribe a standard if:

...interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of *performance characteristics* (including reliability), *features*, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding.⁵⁸

It is clear from the comments received in this rulemaking that the proposed standard for televisions would have just such an effect. The significant decrease in energy consumption mandated under the standard will seriously compromise the performance of the product, resulting in reduced picture and sound quality than what is currently available, and/or will eliminate some desirable features offered in television receivers today.

c. Lessening of Competition

EIA/CEG believes that, since the proposed energy standard is applicable only to televisions and not peripheral or competing devices, the standard will have significant anti-competitive effects in a number of markets. The removal of features induced by the proposed rule will affect the competition between television manufacturers and cable hardware vendors regarding the resident location of desirable features. Although, there is intense competition among the more than 30 independent companies manufacturing television receivers, the cable hardware industry is currently dominated by only two vendors. The inevitable lessening of competition also is contrary to one of Congress' clearly-articulated goals in enacting the Cable Television Consumer Protection and Competition Act of 1992.

To the extent that features do migrate out of televisions to set-top devices (such as cable converter boxes), it will be more difficult for rival video delivery media to become effective competitors to cable companies. Any prospective new market entrants will be forced to supply their own additional interface devices rather than relying on an interface directly with television receivers. Conversely, full-featured television receivers will be more capable of being used with any one of several video delivery media and will thereby

facilitate consumer choice among the available media. Incorporating such a multiple interface device into a television will, in addition to promoting competition, be more "efficient" than a number of separately-powered set-top devices.

Given the rapid development of markets pertaining to the National Information Infrastructure — the so-called "Information Superhighway" — it would be irrational public policy to restrict technological developments in the television industry by imposing an artificial limit on energy consumption. Of the competing in-home Information Superhighway access devices, including computers, telephones, videophones, and various set-top devices, only television receivers would be subject to the Department's draconian standards. To compete effectively in this market, television manufacturers will have to continue to improve the picture resolution currently available as well as add desirable features, which will require additional power. The proposed standard will effectively preclude this competition.

CONCLUSION

The administrative record for this proceeding contains ample evidence showing that the proposal is a bad idea and should be withdrawn. The proposed regulatory action, as it concerns televisions, would have serious negative public policy consequences not considered by DOE. Specifically, it would conflict with the requirements of other laws and will ultimately increase — *not* decrease — the Nation's overall energy consumption. Moreover, it will substantially diminish the usefulness and convenience of TV sets. Therefore, the Department should withdraw its proposal and issue an effective "no standard" standard for television sets.

ENDNOTES

1. 42 U.S.C. § 6291 *et seq.*
2. 59 *Fed. Reg.* 10464 (March 4, 1994).
3. The Department has stated:

In a highly competitive market, television design engineers try to improve the reliability of their products and to reduce the incidence of product or component failure. Since nearly all energy produced by the [television] set ends up as heat inside the cabinet and this heat is the prime cause of component failure, energy efficiency increases reliability. Manufacturer costs can be reduced through the use of energy-efficient design because reduced power requirements translate into simpler and less-expensive power supplies and dissipating resistors.

See U.S. Department of Energy, Technical Support Document: Energy Efficiency Standards for Consumer Products (Nov. 1993) vol. 2, p. 1-3.

4. 59 *Fed. Reg.* at 10524, col. 3.
5. *Id.* at 10500, col. 3.
6. 42 U.S.C. § 6295(o)(4). (Emphasis added.)



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TWICE

THIS WEEK IN CONSUMER ELECTRONICS

VIEWPOINT

Color Power Play

When it comes to advances in color TV technology, it seems the government giveth with one hand and taketh away with the other.

Today, we are looking at new rules and regulations that open the door to true comparability between TVs and CATV, a host of interactive video opportunities, and the expansion of TV captioning capability to incorporate a number of information delivery options.

However, the Department of Energy is in the process of dropping a bomb that will not only bring such advances to a screeching halt, but also force manufacturers to reverse the trend to high-contrast dark glass picture tubes and start peeling off such step-up features as stereo (forget about surround sound), picture-in-picture, enhanced onscreen display and clock timers, and possibly shut down the TV/VCR combo market.

What the DoE has done is revive a plan for setting a standard for maximum energy consumption for TVs. That's an issue the industry thought died in the early 1980s after the transition to solid state cut average set energy consumption by as much as 80%. And in fact, in 1988, the DoE itself said there was no economic justification for mandating further improvement.

Now, under pressure from the Clinton administration to come up with some environmentally friendly regulatory moves, the DoE has proposed a rule requiring TV energy usage be cut 30%-35% over the next three years.

The industry, united under the EIA banner, is arguing that the DoE's proposed formula for calculating power standards is so badly flawed that compliance would mean stripping sets down to the basics and that any TV power consumption reduction would be more than offset by the energy needed to operate the non-regulated set-top boxes consumers will have to buy to restore the eliminated features.

The EIA position has won the support of the National Association of Broadcasters (who see the DoE giving CATV operators and their set-top boxes a powerful competitive position), retailers, and a number of congressmen. All agree the proposed rule would have a minimal effect, if any, on national power consumption, would hamper the introduction of new technologies, and would bring no tangible benefit to the consumer.

To us this is just another example of bureaucrats viewing the high-profile, high-volume color TV business as a regulatory target just too good to pass up — regardless of the need, justification or economics involved. We sincerely hope the policy makers at the DoE and in the higher levels of the administration will get a grasp on the realities of the business and squelch this proposal for good. □

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THE AUDIOVIDEOVIEW

Nothing to lose but your business

Remember the video game "Space Invaders"? A bit of an antique now, it was one of the very first arcade hits, along with "Asteroids" and "Pac-Man", and it involved shooting down an advancing army of creepy, insect-like things that ate you up if weren't quite fast enough on the draw. The thing was, you had to keep shooting, *because they kept coming*, and it was easy to miss one advancing on your left, say, while you were spending all your time zapping the guys on the right.

Advocacy groups like our own Electronic Industries Assn must often feel very much like players of "Space Invaders": just when they think they've obliterated the bad guys, a whole other set of them turns out to be too close for comfort; and the height of the creepiness, of course, is that they've come from a completely unexpected quarter.

In this case, the Nameless Evil from Outer Space is represented by the U.S. Department of Energy, which has decided that television sets now consume too much power. Unless the folks at the EIA, led by Consumer Electronics Group vice president Gary Shapiro, manage to head the Alien Beings off at the pass, the DOE could actually order manufacturers to make TV sets that consume, on average, about 40 percent less juice than current models. This means, at the very least, no on-screen programming, no HDTV and (by the DOE's own, probably very "conservative," estimate) seven- to 10 percent price increases.

Shapiro and allies have pointed out in testimony before the DOE that not only is the proposed rule, as they say within the Beltway, counter-productive, it's dissonant cognitively. In English, not only is it stupid, it's ignorant. Today's televisions use about 100 watts of power, and as Shapiro pointed out to us up here at *AudioVideo* (see story, p. 28), that means consumers could actually save more energy by turning out the light while watching TV than could the current proposal on the table.

Partly, that's because the DOE is basing its finding, such as it is, on data culled seven years ago, using a bare-bones TV that is significantly less efficient than today's models. The EIA has unimpeachable counter-data indicating that television sets have become astonishingly more energy-efficient in the interim, to where they're now at the 100-watt level indicated above. And for why (as H.L. Mencken used to say)? It's the old free market at work. It seems that the reason TVs used to break down so much—if you're old enough to remember the days before solid-state, you're old enough to remember how much time tube TVs spent "in the shop" instead of regaling the family with Lucy, Uncle Miltie and Edward R. Murrow—was that they produced too much heat. So it was in the interest of TV suppliers themselves to cut down energy consumption, to cut down on heat, to cut down on TVs "on the blink," as we used to say. So the manufacturers, in seeking to keep consumers happy, also made more energy-efficient products.

This isn't good enough for the DOE, and Shapiro believes the Department is prepared to take this proposal to the next step, which would be to issue a permanent rule. That would be only Round One of the bout, as Shapiro and the EIA are quite willing to take the DOE to court, and he has further enlisted the aid of a number of friendly legislators in lobbying the Secretary.

But it doesn't have to get that far. You can help. Write the Department on your store's letterhead and tell them just how dumb you think this idea is. According to Shapiro, what bureaucrats do is put the mail on a scale: the more "cons" outweigh (literally) the "pros," the less likelihood this preposterous proposal will have of seeing the light of day, if it ever shines in Washington:

The Honorable Hazel R. O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

Do it. This is deadly serious. If the Space Invaders win this one, it could be *Game Over* for all of us.

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FORUM • TV LEGISLATION

TV-energy cap would put the lid on profits

In the wake of one of the best first halves the U.S. color television industry has ever experienced, on the eve of the TV market's biggest boost since the advent of the VCR, and in the teeth of a Federal Communications Commission ruling that implies precisely the opposite tack, the Clinton Administration's Department of Energy (DOE) is poised to issue a ruling that would change the TV business beyond recognition—and add seven to 10 percent to the price of TVs by limiting the amount of energy they can consume.

And, just in case you thought this was strictly a "War of the Worlds"-type panic attack, the Electronic Industries Assn/Consumer Electronics Group vice president, Gary Shapiro, takes the threat deadly seriously, and wants to enlist the help of everyone—especially retailers—in the industry to cut this thing off at the pass.

Even with a worst-case scenario playing out, Shapiro says, nothing is going to happen for three or four years, because if the DOE, under the leadership of Secretary Hazel O'Leary, does what it's quite seriously threatening to do and issues the ruling, the EIA has every

intention of taking the Department to court—which could slow things down for quite a while. But if the DOE ultimately gets its way, then it would effectively cancel many of the functions TV makers have spent the past few years building into direct-view sets, and which retailers currently rely on to add what margin they do make onto the products. (Shapiro says he believes the ruling does not extend to projection TV.)

Welcome to Washington

What makes the DOE effort particularly wacky is the fact that it comes in the same month that an FCC panel is set to introduce technical specifications for moving more electronics functions, including cable decoding interfaces, back into the TV—a move that would require, of course, energy consumption levels to remain more or less where they are. And



Gary Shapiro, EIA

wackier still is the fact that the DOE is using seven-year-old energy-consumption data on which to base its proposed ruling. Wackiest of all, of course, is the

fact that TV energy consumption has gone down consistently over the years, to where TVs now use about as much as a 100-watt light bulb. If electronics and features are moved out of the set and into an outboard box, the box would eat up far more energy than any TV currently on the market, making for a net gain in consumption. But then again, this is Washington.

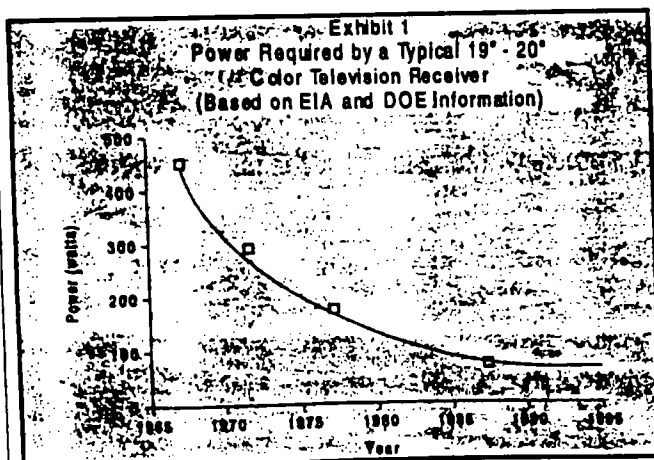
"We could save more energy if we told people to shut off the light when they watch TV," Shapiro says.

Equally murky is what effect the proposed rule would have on such future technologies as high-definition TV and current ones like on-screen programming. According to Shapiro, it could effectively stymie both.

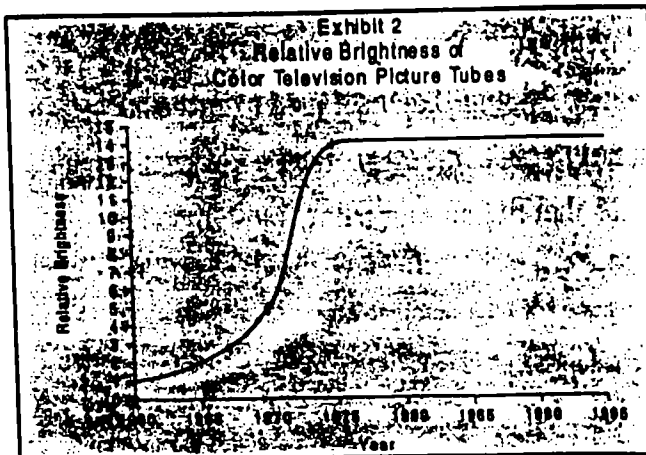
"The Department of Energy is in the final stages of a proposed rule that would radically change the TV set as we know it," Shapiro told *AudioVideo*. "It's all in the name of energy efficiency."

The Clinton Administration DOE has, in fact, been on this case for some time, Shapiro said, having held a series of hearings last spring. It had issued a preliminary ruling which would limit energy consumption of TV sets, based on a complex formula that has to do with screen size. The bottom line for TV manufacturers is that it would take the average set's watt consumption to about 60—a 40 percent decrease.

This initiative has a long history. It first emerged during the energy crisis of the



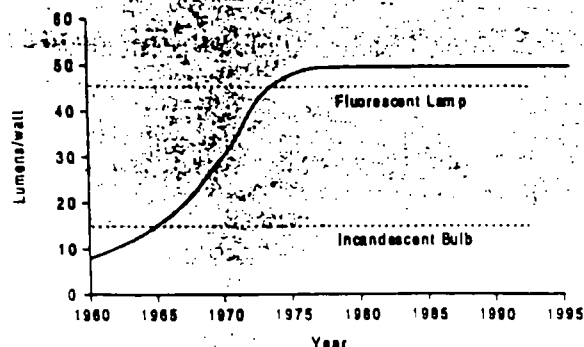
"Exhibit 1 shows the power required by a typical 19"-20" color television receiver over the period from the late 1960s to date. The reduction in required power and the consequent reduction in energy consumption by more than 80% is dramatic, in part due to the conversion to solid-state design and the resultant reduction in energy



consumption and improvement in reliability has been accompanied by significant improvements in product performance. Perhaps most dramatic is the seven-fold increase in picture brightness, which occurred during the decade from the mid-1960s to the mid-1970s."

FORUM • TV LEGISLATION

Exhibit 3
Phosphor Efficiency for
Color Television Picture Tubes



"As shown in **Exhibit 3**, during this same period (the mid-60s to the mid-70s), phosphor efficiency alone increased three-fold from about 15 Lumens/watt (roughly equivalent to an incandescent light bulb) to about 45 Lumens/watt (roughly equivalent to a fluorescent lamp)."

"In addition to the basic functions of producing picture and sound, color television

Carter years, Shapiro said, but was put to sleep seven years ago, when TVs were explicitly lifted off the list of products the government could set energy levels for.

Old data die hard

And according to Shapiro, that's part of what's so very wrong with the DOE's proposal: the data that the department used in determining its preliminary ruling date back to that ruling of 1987 and do not reflect the energy consumption of today's sets. In the seven years since the data were gathered—gathered using a no-frills set from Sharp that did not include any of the energy-saving devices manufacturers have since begun to build into their models—though TV features have become more complex, energy consumption has gone down. And, for good reason, Shapiro notes: "Every emphasis now is to reduce energy, because TVs break down primarily because of heat."

The move comes directly from the highest levels of the Department of Energy, Shapiro says, adding that he didn't know whether Vice President Al Gore was aware of the initiative. He says he wonders how much good it would do if Gore were apprised of the move, since it is Shapiro's understanding that Gore, with all his sponsorship of the National Information Infrastructure (NII) initiative, believes that the personal computer, not the television set, is the

centerpiece for the fabled Information Superhighway.

As a result, Shapiro has decided to go the legislative route, gathering signatures from a variety of lawmakers on both sides of the aisle and from both houses, as to the "unwisdom" of the DOE's proposed move. They include Sen. J. Bennett Johnston (D-LA), chairman of the Senate Energy and Natural Resources Committee, Sen. Richard C. Shelby (D-AL) and Sen. Howell T. Heflin (D-AL). In the lower chamber, the EIA has enlisted the support of 12 congressmen, among them, Rep. Edward J. Markey (D-MA), chairman of the House Telecommunications and Finance subcommittee, Rep. Rick Boucher (D-VA), who was instrumental in the passage of the 1992 Cable Act and who is one of the sponsors of the House version of the NII bill, Rep. Gary Franks (R-CT) and Rep. Jim Cooper (D-TN). All 12 congressmen, besides Markey, are members of the House Energy and Commerce Committee.

The EIA has also enlisted the support of retailers—among them, Circuit City, but Shapiro indicated that an agency regards the quantity as much as the quality of its ingoing mail, and he urged retailers to write in and protest such a move.

If the DOE decides to issue a permanent ruling, Shapiro said the EIA would appeal its action in court. He refused to

Exhibit 4: Television Receiver Features Power Requirements

High Performance, High Brightness Large Screen Receiver.....	25 watts
Remote Control*	20w
Picture-in-Picture.....	10w
2 Tuners (Picture-in-Picture and Channel Scan).....	10w
Active Comb Filter.....	2w
Scan Velocity Modulation.....	2w
High-Resolution Video.....	2w
Black/White Stretch, Auto Color.....	2w
I/O Jacks, including S-Video.....	1w
RF/Antenna Switching.....	1w
Closed Captioning (Required by Law).....	1w
Stereo Sound.....	2w
High Fidelity Sound.....	5-10w
Surround Sound.....	2w
Dolby Pro-Logic Surround Sound.....	2w
Progressive Scanning.....	30w
Widescreen 16:9 Processing.....	10w

*Remote control power is required continuously on a stand-by basis.

receivers may incorporate a wide variety of optional features. These features each consume only a small amount of energy, but they greatly enhance the value of the product to the consumer. **Exhibit 4** contains a list of some of these features and an estimate of the required incremental power for each feature."

say whether the trade group would seek an injunction against the department. "We haven't finalized our legal strategy," he said.

According to the EIA, "even by the DOE's conservative estimates, the new energy ceiling will result in a seven to 10 percent increase in the cost of televisions. This, coupled with reduced performance and limited features, will cause serious harm to the domestic television manufacturing industry and the public."

Since American consumers would still want the features available on today's TVs, Shapiro says, under the proposed ruling, they would be built into outboard tuner boxes, which he says are "energy hogs." So as a result, no energy would be saved.

Shapiro says he frankly believes that once Washington figures out what the proposed move could mean for the U.S. TV industry, it will quickly squelch the DOE initiative. But the only way, he adds, that the D.C. establishment will be able to figure this out will be for it to hear about it, loud and clear, from the consumer electronics community at large. —T.I.

The four exhibits and their captions in this report are from the "Affidavit of Bernard J. Lechner, Comments of the Consumer Electronics Group of the Electronic Industries Association, Docket No. EE-RM-90-201, Filed July 18, 1994."

TV power play

When a powerful bureaucracy imposes a foolish rule, the law of unintended consequences can frustrate both the rulemaker and the ruled. And this is exactly what's about to happen to TV sets. The bureaucracy is the U.S. Department of Energy, which Congress has ordered to set energy standards for appliances like water heaters and ovens. On its own, the department added TV sets to the list, and now appears poised to require manufacturers to cut TV power levels by about 30 percent.

It's easy to see how improving energy-gulping machines like refrigerators will save lots of watts. But lumping TVs with air conditioners and mobile-home furnaces is simply illogical. Making TVs more energy efficient won't improve TV shows. It will only lead to dimmer pictures, fewer features and less diversity as manufacturers lower tube voltage and purge sets of second tuners, hi-fi circuits and the like to shave a few watts off the bottom line. However, since viewers like bright pictures, good sound and varied features, the rule will only push such capabilities into external boxes that, ironically, will increase the power needed to fire up TVs. It could also hike the cost to viewers, who may have to buy an extra component to replace features TVs already include.

Adding to the irony is that manufacturers have cut TV power far more on their own than the Dept. of Energy would force them to do by fiat. A 20-inch set that gobbled 500 watts in the late '60s needs only about 100 watts today—one light bulb's worth of juice. Manufacturers say there's little margin left for shedding more watts without harming both set performance, and their own ability to export sets made here to less restrictive countries. Equally alarming, the rule could toss a monkey wrench into the progress of HDTV, interactive services and other advanced features that promise to dramatically change TV sets and TV viewing habits.

This is a classic act of misguided regulation. Fortunately, there's still time to back off. If you agree that the Dept. of Energy should power down, let us know and we'll forward your comments to the powers that be.

This month's cover story answers two questions we're frequently asked (often by unhappy cable customers): When will small satellite dishes be ready and where can I get one? Our look at the new Digital Satellite System and the somewhat larger Primestar system provides all the details you need to buy and install a dish and choose your programs.

We also take a hands-on look at high-end video and audio cables—yes, they do make a difference—and explore a curious little camcorder, the PXL-2000, that shoots black-and-white images on audiotape. Created as a toy, it's inspired young videomakers to devise spirited, low-budget tapes that are beginning to turn up in serious film and video festivals.

Readers who'd rather not fuss with envelopes and stamps (snail mail in e-speak) can now also contact *Video Magazine* on CompuServe or by fax. If you'd like to send us letters, Tech Tips, technical questions or Collector's Clearinghouse requests, our CompuServe number is 75147.1255, and our fax line is 212-947-6727. The fax is open for reader correspondence after 5 p.m. EST, weekdays, and all day on weekends. Drop us a line. We're always interested in hearing from you.

Stan Pinkwas

Stan Pinkwas
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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-8150

July 28, 1994

The Honorable Hazel R. O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Madam Secretary:

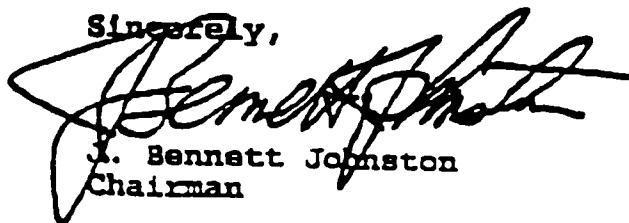
I am writing this letter regarding the proposed energy standard for television receivers that is currently proceeding through the rulemaking process.

As you are probably aware, the Electronic Industries Association has raised some concerns about the potential impact this proposed rule could have on the economic well-being and competitiveness of the industry. Additionally, there is concern that if implemented, this regulation would result in an increase in America's overall energy consumption. For these reasons, I would greatly appreciate your thorough consideration of the Electronic Industries Association's concerns before issuing a final rule. In particular, I would like to request a copy your response to these concerns.

As always, I am sympathetic to the difficult rulemaking process that you are going through, so your attention to this matter is very much appreciated. Questions about this letter should be addressed to Celeste Miller of my committee staff at (202) 224-3329.

With kindest personal regards, I am

Sincerely,


J. Bennett Johnston
Chairman

JBj/cmm

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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-8150

August 18, 1994

BENJAMIN S. COOPER, STAFF DIRECTOR
D. MICHAEL HARVEY, CHIEF COUNSEL
G. ROBERT WALLACE, STAFF DIRECTOR FOR THE MINORITY
GARY A. ELLSWORTH, CHIEF COUNSEL FOR THE MINORITY

The Honorable Hazel R. O'Leary
Secretary of Energy
Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Secretary O'Leary:

As you are aware, your department is proceeding with a difficult rulemaking for television receivers under sections 322 and 325 of the Energy Policy and Conservation Act. Serious concerns exist regarding the impact of this proposed rule on the economic well-being of the television industry.

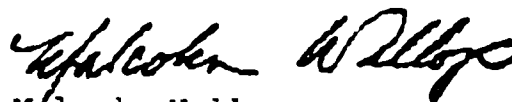
Since enactment of these provisions, major technology improvements have been incorporated by the television industry in their products. In deciding whether, or not, to finalize this rule, your assistance is requested that already instituted advancements be fully considered and reflected in your action.

If, in your judgment, a final rule is appropriate, I would request that you consider the approach incorporated in the 1992 Energy Policy Act which relies on standards developed by a committee accredited by the American National Standards Institute or other nationally recognized standard setting organizations. Reliance on such organizations for the establishment of standards has proven successful for many other consumer products and building codes.

The television industry is poised to deliver a wide range of new products to the American consumer. Your proposed regulation could significantly affect the economic viability of an orderly introduction of these and future technologies.

Your consideration of my suggestions would be appreciated.

Sincerely,



Malcolm Wallop
Ranking Republican Member

ROBERT F. BENNETT
UTAH

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United States Senate

WASHINGTON, DC 20510-4403
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September 13, 1994

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The Honorable Hazel R. O'Leary
Secretary of Energy
Forrestal Building, Room 7A-257
1000 Independence Avenue, S.W.
Washington, DC 20585

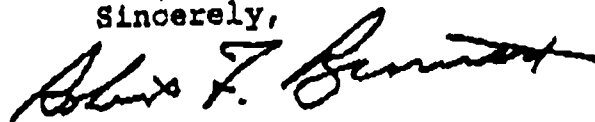
Dear Secretary O'Leary:

I am writing to express my concern with the proposed regulations on energy consumption of television receivers, Docket No. EE-RR-90-201. It has come to my attention that these proposed regulations would create a significant disruption in the television receivers industry but have little, if any, impact on reducing energy consumption.

After holding discussions with several representatives of the television manufacturing industry, it is evident that these new energy regulations would limit the television's technology. To conform to the proposed standards, television manufacturers would be forced to eliminate functions and features from televisions that currently exist; such as cable-ready, built-in video cassette recorders and closed-captioning. Under the proposed regulations, it is likely that the industry will turn to the use of set-top devices to replace those functions and features that were removed. These devices could very well increase energy consumption beyond the current level. Additionally, a freeze on technological advances in televisions could occur and preclude development of interactive and high definition television. These proposed regulations would place television manufacturers at a competitive disadvantage and slow the development of the interactive market.

I strongly believe the competitive nature of the television market will continue to drive the industry to develop and manufacture better and more energy efficient products. I feel that the government's time and efforts would be better spent on improving energy efficiency in other areas. I would hope that you would reconsider the standards which have been proposed and let me know your feelings on the matter.

Sincerely,



Robert F. Bennett

RFB/pay

United States Senate

WASHINGTON, DC 20510

August 18, 1994

The Honorable Hazel O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

Dear Secretary O'Leary:

I am writing to express my concerns regarding the Department of Energy's proposal to establish energy consumption limits for television receivers (Docket No. EE-RM-90-201). It is my understanding that this proposal, though issued with good intentions, will not promote the goal of decreased energy consumption and will adversely affect the U.S. television industry.

In recent discussions with representatives of the television and electronics industries, I have been informed that in order to meet the energy requirements under this proposal, television manufacturers will be forced to reduce the picture quality and performance features of their products. The consumer, however, will still have at his disposal separately powered, energy consuming, set-top devices to enhance the picture quality. The net effect, then, will be an actual increase in energy consumption.

I am also concerned about the affect this proposal will have on the television industry, particularly in my home State of Indiana -- a leading manufacturer of television products. The television industry already operates under intense competition to reduce energy consumption and technological advances are implemented as soon as possible. This federal mandate will have extreme price and performance consequences, leading to the loss of well-paying American jobs.

As you review the proposal on television receivers, I urge to consider the above-listed concerns. In advance, I thank you for your attention to this matter, and I look forward to your reply.

Sincerely,



Dan Coats
U.S. Senator

DC/pt

TRENT LOTT
MISSISSIPPI
SECRETARY
REPUBLICAN CONFERENCE

United States Senate

WASHINGTON, DC 20510-2403

COMMITTEES:
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August 4, 1994

The Honorable Hazel R. O'Leary
Secretary of Energy
Forrestal Building, Room 7A-257
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Hazel:

Your department has proposed new energy efficiency standards for electric water heaters, stoves and televisions. The rule will effectively eliminate electric resistance water heaters, specialty stoves and many common TV features from the marketplace. I know this is not your desired plan, but the standards will create this unintended consequence.

The rules impose inordinate financial burdens on electrical suppliers, as well as, modest income families in selected geographical regions. The rules also ignore years of technological energy enhancements. This is not a sensible energy efficiency policy. However, these controversies can easily be resolved by reexamining and incorporating all factors which can and will be impacted by the proposals.

There is no quarrel with the goal to make home appliances more energy efficient. The issue is crafting an effective rule which balances existing technologies, available energy sources, and compliance times and costs. I am confident you will create energy efficiency standards which are pragmatic and recognize the customer's input. With best wishes, I am

Sincerely yours,



Trent Lott

PLEASE REPLY TO:

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United States Senate

WASHINGTON, DC 20510-1401

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ON INTELLIGENCE

September 16, 1994

The Honorable Hazel R. O'Leary
Secretary of Energy
Forrestal Building, Room 7A-257
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary O' Leary:

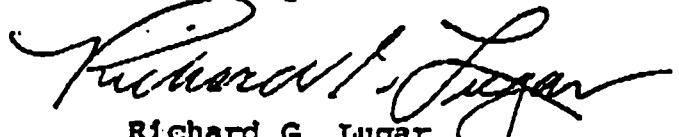
I am concerned about the Department of Energy's proposed regulation that would establish for the first time energy consumption limits for television receivers (59 Fed. Reg. 10464).

The television manufacturing industry already operates under intense competitive pressure to reduce energy consumption. Because energy efficiency reduces heat output and increases reliability, manufacturers have a strong incentive to pursue it. As a result, the amount of energy consumed by a nineteen to twenty inch television receiver has dropped by over 80% in the past thirty years. A typical twenty inch receiver currently uses less power than a 100 watt light bulb.

It is my understanding that to comply with the proposed standard, television manufacturers would either have to reduce overall picture quality or remove features that are useful and convenient to consumers. In addition, one must consider the impact which the Department's proposal would have on television manufacturers as competitive players in the emerging "information superhighway" market. The Department's proposal would limit the industry's ability to produce television sets capable of processing audio and video data in new ways.

I urge you to consider these points as you decide whether to move forward with this proposal.

Sincerely



Richard G. Lugar
United States Senator

rgl/jbj

RICHARD SHELBY
ALABAMA

OFFICE OF THE CLERK
COMMITTEE ON LABOR, HUMAN RESOURCES
AND VETERANS AFFAIRS
COMMITTEE ON ENERGY AND
NATURAL RESOURCES
SENATE CHAMBER OF SENATE

100 Mary Swann
Washington, DC 20510-0103
(202) 224-6144

United States Senate
WASHINGTON, DC 20510-0103

July 15, 1994

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75 Lee Street
Birmingham, AL 35203
(205) 333-4555
 - 1100 Government Center, 2nd Floor
1100 Government Center, 2nd Floor
Birmingham, AL 35203
(205) 333-4555

The Honorable Hazel R. O'Leary
Secretary of Energy
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, N.W.
Washington, D.C. 20585

Dear Secretary O'Leary:

We are writing to express our deep concern about the Department of Energy's proposed rule to mandate, for the first time, an energy consumption standard for television receivers received. It appears not only that the proposed standard is unjustified and inappropriate in terms of the severe limitations on energy consumption that would be imposed and the ability to meet those limitations, but also that it will actually result in an overall increase, rather than decrease in energy consumption. Finally, we believe this proposed rule will cause serious harm to the U.S. television manufacturing industry.

From discussions with representatives of the television manufacturing industry, it is our understanding that the intense competitive pressures under which the industry operates already dictate that any advances in energy efficiency be incorporated in television receivers as soon as technologically practical. As a result, over the course of the last 30 years, the energy consumption of comparable 19- to 20-inch television receivers dropped by over 80 percent - from 450 watts to less than 100 watts. This debate means that, on average, a typical 20-inch receiver currently uses less power than a 100 watt light bulb. According to industry sources, the only ways in which the energy savings mandated by the department's proposed rule could be achieved are by the removal of desirable features in TV receivers or by seriously degrading the performance of the receivers. The proposed rule would simply result in the movement of these features to set-top boxes, thereby increasing overall energy consumption. The latter would clearly be unacceptable to the American consumer and would seriously harm the U.S. television manufacturing industry, with a resultant loss of American jobs. People will certainly not want to purchase new televisions that perform worse than the ones they already have, particularly when the new sets, according to the

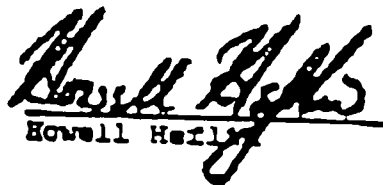
Department's own estimate, will cost more.

Finally, the Department's proposal will seriously inhibit the industry's ability to provide the American public with the technologically-advanced products that will allow ready, economical access to the Administration's proposed information "superhighway." This is a result at odds with the Administration's goal of universal access.

We believe that the proposed energy consumption standard for television receivers is not only undesirable, but fails to meet the requirements of the National Appliance Energy Conservation Act regarding such standards because it is neither technologically feasible nor economically justifiable and will fail to provide "significant" energy conservation.

We look forward to hearing from you about this important matter.


Richard Shelby


Howell Heflin

ARLEN SPECTER
PENNSYLVANIACOMMITTEES:
AGING
JUDICIARY
APPROPRIATIONS
VETERANS
ENERGY AND
NATURAL RESOURCES

United States Senate

WASHINGTON, DC 20510-3802

August 9, 1994

The Honorable Hazel R. O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Madam Secretary:

I am writing to express my concern regarding the proposed energy standard for television receivers that your Department published in the March 4 Federal Register.

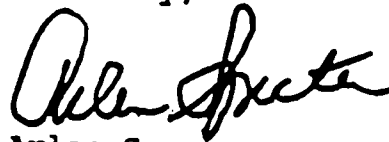
As you are aware, the Department is not required to issue such standards for television receivers. 42 U.S.C. 6295(1)(3). The statute also prohibits the Department from promulgating a standard if it "will not result in significant conservation of energy" or if it is not "economically justified." 42 U.S.C. 6295(o)(3)(B). I understand that the competitive pressures under which the television manufacturing industry operates already require that any advances in energy efficiency be adopted if they are practical technologically. (Your Department has acknowledged this in a technical support document published in November, 1993.)

I further understand that the only way to achieve the energy efficiency standards mandated in the proposed rule would be to remove some features from television receivers and put them in set-top boxes, which is likely to increase overall energy consumption. The proposed energy standard would have a negative effect on the growing export market for American-made television receivers, particularly the feature-laden versions most impacted by the proposal. Foreign manufacturers will not be constrained by the same energy standard, and will be able to compete better abroad with American products.

The television manufacturing industry employs nearly 3,000 Pennsylvanians. Their jobs and economic well-being will be adversely affected if the proposed energy standard for television receivers is promulgated. Therefore, I would appreciate your thorough consideration of their concerns prior to issuing a final rule.

Thank you for your attention to this matter.

Sincerely,


Arlen Specter

AS:dr

JOHN D.

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 GARY A. FRANKS, CONNECTICUT
 JAMES C. GREENWOOD, PENNSYLVANIA
 MICHAEL D. CRAPO, IDAHO

U.S. House of Representatives
 Committee on Energy and Commerce
 Room 2125, Rayburn House Office Building
 Washington, DC 20515-6115

October 6, 1994

ALAN J. ROTH, STAFF DIRECTOR AND CHIEF COUNSEL
 DENNIS B. FITZGIBBONS, DEPUTY STAFF DIRECTOR

The Honorable Hazel R. O'Leary
 Secretary
 Department of Energy
 1000 Independence Avenue, S.W.
 Washington, D.C. 20585

Dear Secretary O'Leary:

We are writing to express our concern regarding the Department of Energy's proposed rule to mandate an energy efficiency standard for television receivers.

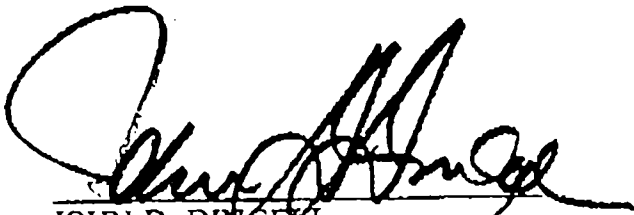
The Energy Policy and Conservation Act allows the Department of Energy to consider establishing new energy conservation standards for television sets. However, unlike the other appliances covered under this Act, television receivers have complex and beneficial effects such as education, information and entertainment that could be affected, although these effects can not be measured in a technical sense. Our concern is that the proposed rule issued by the Department does not adequately explain how energy conservation would be achieved without affecting these intangible factors through the sacrifice of picture quality or the elimination of enhanced features.

Over the past 25 years, industry analysis has shown that energy consumption of television sets has dropped 80 percent, to the extent that a typical 20 inch color television set now uses less energy than a single 100 watt bulb. The proposed energy conservation standards for televisions would likely result in very modest gains in energy efficiency while, at the same time, causing the migration of necessary and desirable features to separately powered set-top devices. These add-on devices may well consume more energy and thus produce more pollution than if the same features were integrated into the television set. We have concerns that these and other issues have not been adequately considered.

Moreover, we are concerned that the proposed standard could also restrict newly developing features, including high definition television, interactive television, the rapidly evolving communications features necessary for access to the National Information Infrastructure, and enhanced Emergency Broadcast System services.

For these reasons, we encourage you to reconsider the proposed rulemaking and to refrain from issuing any rule on energy efficiency for television sets. Thank you for your time and consideration of this matter.

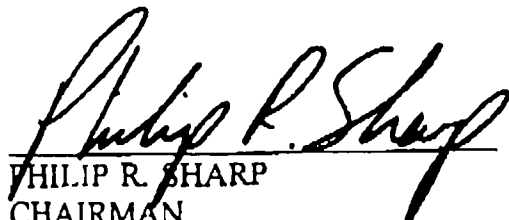
Sincerely,



JOHN D. DINGELL
CHAIRMAN



CARLOS J. MOORHEAD
RANKING REPUBLICAN MEMBER



PHILIP R. SHARP
CHAIRMAN
SUBCOMMITTEE ON
ENERGY AND POWER



MICHAEL BILIRAKIS
RANKING REPUBLICAN MEMBER
SUBCOMMITTEE ON
ENERGY AND POWER

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

August 1, 1994

The Honorable Hazel R. O'Leary
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary O'Leary:

It has recently come to my attention that the energy efficiency standards currently under consideration for television receivers pursuant to the National Appliance Energy Conservation Act of 1987 ("1987 Act") (P.L. 100-12) could work against an important goal embodied in the Cable Television Consumer Protection and Competition Act of 1992 (P.L. 102-385) ("1992 Cable Act"). I am writing to ask you to take into consideration the goals of the 1992 Cable Act as you proceed in the rulemaking on energy efficiency standards for television receivers.

As you know, I was one of the chief authors of the National Appliance Energy Conservation Act and have long been committed to increased energy efficiency as a strategy to improve our economy while reducing the need for new construction of large powerplants. Progress on these efficiency standards helps to promote the wise use of our resources and is a vital contribution to environmental protection.

I applaud the Department of Energy's decision to examine even those areas where the decision to regulate is discretionary, not mandatory, as in the case of television sets. Television receivers have already improved dramatically in energy efficiency, but further improvements may be possible and it is appropriate to pursue them if it can be done in a cost-effective manner that is compatible with other important policy goals. In this regard, I urge you to consider the goals enumerated in the 1992 Cable Act.

Section 17 of the 1992 Cable Act, Consumer Electronics Equipment Compatibility, directs the Federal Communications Commission (FCC) to prescribe regulations to increase compatibility among television receivers equipped with premium functions and features, video cassette recorders, and cable systems. As part of this proceeding, Congress directed the FCC to consider the potential for achieving economies of scale by requiring television set manufacturers to incorporate technologies to achieve such compatibility in television receivers. Under the regulations promulgated by the FCC, television sets that are "cable

The Honorable Hazel R. O'Leary
August 1, 1994
Page 2

"ready" will incorporate features previously performed by a cable converter box, thus eliminating the need for cable consumers to rent a cable box.

I am concerned that the efficiency standards for television receivers could work against progress that has been made under Section 17 of the Cable Act to make televisions "cable ready" and to reduce the need for cable subscribers to rent one or more cable converter boxes.

There is reason to believe that the imposition of efficiency standards on television sets could result in a migration of advanced telecommunications features from the television receiver to the cable converter box or other devices not currently covered by the efficiency standards. Such a migration of features, which would result in an increase in both the need for such auxiliary devices, and, consequently, the energy use in households requiring such devices, runs directly contrary to the goals of both the 1987 Act and the 1992 Cable Act. It would certainly be an unfortunate result if we both increase the overall household use of electricity and maintain the inconvenience for consumers of relying on additional devices because we did not foresee this possibility.

I am confident that under your leadership the goals of both the National Appliance Energy Conservation Act and the Cable Television Consumer Protection and Competition Act may be achieved as you consider energy efficiency standards for television receivers.

Please contact me directly or have your staff contact Kristan Van Hook of the Subcommittee staff at 202-226-2424 if I can provide any additional information or assistance. Thank you for your consideration.

Sincerely,



Edward J. Markey
Chairman

cc: The Honorable Reed Hundt, Chairman
Federal Communications Commission

The Honorable Larry Irving, Assistant Secretary
for Telecommunications and Information
Department of Commerce

THOMAS J. BLILEY, JR.
7th DISTRICT, VIRGINIA

MEMBER OF
COMMITTEE ON ENERGY
AND COMMERCE
COMMITTEE ON THE DISTRICT
OF COLUMBIA

Congress of the United States

House of Representatives

Washington, DC 20515-4607

August 2, 1994

ALBANY OFFICE
1201 BAYVIEW
(518) 225-0210

DISTRICT OFFICE
SUITE 200
4000 FREDERICK AVENUE
BETHESDA, MD
(301) 771
1-800

CALIFORNIA OFFICE
SUITE
700 MARSHALL ROAD
CALIFORNIA, VA 22011-324
(703) 885-3000

The Honorable Hazel R. O'Leary
Secretary, Department of Energy
Forrestal Building
1000 Independence Ave., SW
Washington, D.C. 20585

Subject: Eight Products Rulemaking (Docket No. EE-PM-90-201)

Dear Secretary O'Leary:

It has come to our attention that the Department of Energy is currently considering the establishment of energy consumption standards for televisions for the first time. A part of the Eight Products Rulemaking, the proposed regulations deserve close scrutiny in light of their potential impact on consumers, on the television industry, as well as on related public policy issues.

As elected representatives, we are deeply concerned that implementation of the legislation authorizing this rulemaking does not have unintended negative consequences for the American people. In this case, it is important to reexamine the Department's proposed rules based on their consequences for the television purchasing public. As you know, the proposed rules are intended to lessen the amount of energy consumed by television receivers. The imposed reduction in energy consumption, however, may require the migration of consumer-friendly features out of television sets. Since consumers will still desire these features, they will be incorporated into ancillary, set-top devices. This outmigration of features will have three effects. It will increase consumer frustration and limit the choices consumers have in the marketplace. It will increase the cost of popular features to consumers by requiring the purchase of add-on devices. It will increase energy consumption by increasing the number of devices requiring energy in each household.

This proposed rulemaking is also antithetical to both Congressional and Administration policy encouraging the establishment of a National Information Infrastructure (NII). Televisions are now in virtually every American household. The

August 27, 1994

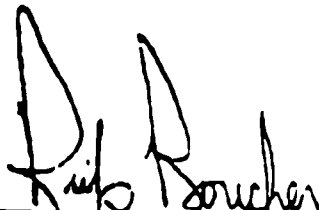
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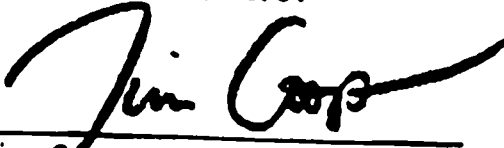
television is, thus, an "information appliance" which consumers will soon be using as an interactive information and communication device. By regulating this one group of consumer equipment used on the information superhighway, the Department places television receivers at a competitive disadvantage relative to others in the NII market.

In its consideration of the proposed rulemaking, the Department should also consider the effects of its decision on television manufacturing in the United States. There are currently thousands of Americans (employed in states such as California, Georgia, Illinois, Indiana, Pennsylvania, Tennessee and others) who are engaged in the production of over 13.5 million television sets (some \$5 billion in factory sales) annually for the U.S. and abroad. These television sets tend to be the top-selling feature-laden models which will be most impacted by the proposed rules. As features are regulated out of television sets, those manufacturing jobs will be lost to our trading partners or lost completely.

In approving the Energy Policy and Conservation Act, Congress gave discretion to the Department of Energy whether or not to regulate the energy consumption of television receivers - the only product for which this discretion is given. In light of the issues raised in this letter, we urge the Department to take this opportunity to reassess the proposed rules.

Sincerely,

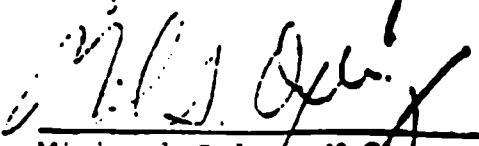

Rick Boucher, M.C.


Jim Cooper, M.C.

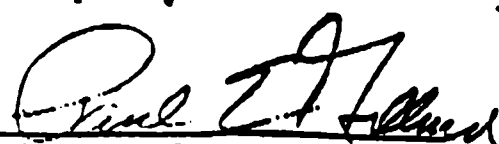

Joe Barton, M.C.


Bill Paxton, M.C.

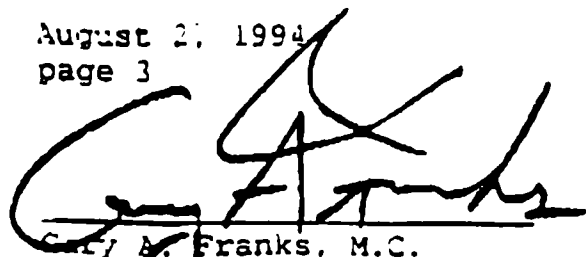

Thomas J. Bliley, Jr.

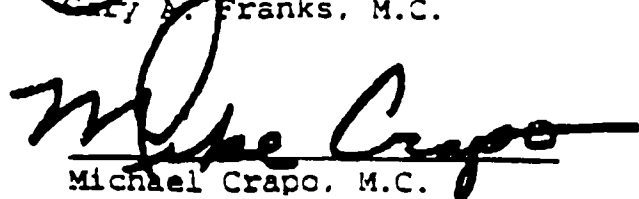

Michael Oxley, M.C.

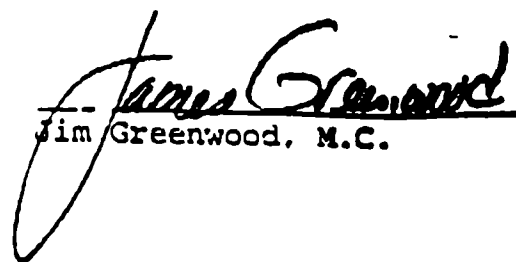

Fred Upton, M.C.


Paul E. Gillmor, M.C.

August 27, 1994
page 3


Gary A. Franks, M.C.


Michael Crapo, M.C.


Jim Greenwood, M.C.

RANDY "DUKE" CUNNINGHAM

5th DISTRICT SAN DIEGO

ARMED SERVICES COMMITTEE

MERCHANT MARINE AND
FISHERIES COMMITTEE

EDUCATION AND LABOR COMMITTEE

REPUBLICAN RESEARCH
COMMITTEE

CO-CHAIRMAN, TASK FORCE ON EDUCATION

TASK FORCE ON DRUGS



Congress of the United States

House of Representatives

Washington, DC 20515-0551
September 22, 1994

MEMORANDUM FOR
THE HONORABLE RANDY "DUKE" CUNNINGHAM
5th DISTRICT SAN DIEGO
1000 INDEPENDENCE AVENUE, S.W.
ROOM 7A-257
WASHINGTON, DC 20585
TEL: 202-545-5452
FAX: 202-545-5452

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
1000 INDEPENDENCE AVENUE, S.W.
WASHINGTON, DC 20540
TEL: 202-545-5452
FAX: 202-545-5452

The Honorable Hazel R. O'Leary
1000 Independence Avenue, S.W.
Room 7A-257
Washington, DC 20585

Copy

Dear Secretary O'Leary:

I am writing regarding the Department of Energy's proposal to mandate an energy consumption standard for television receivers.

As you may be aware, television receivers consume a relatively low amount of energy. For instance, a standard 20-inch television receiver consumes less energy than a 100-watt light bulb. While the DOE's goal of conserving energy is laudable, I do not believe that it would be most effectively met by targeting television receivers. In fact, the proposal may actually prove counterproductive. If such a plan is implemented, the television industry will be forced to remove several features from television receivers and place them in set-top boxes, which is likely to increase overall energy consumption.

An equally important concern is the serious economic impact the proposed standard will have on the television manufacturing industry. I am concerned that 2,100 employees in my district, skilled in the design, engineering, assembly, business planning, administration and management of televisions, will be adversely affected. It would be unfortunate if this industry, with a capital investment in excess of \$350 million in San Diego alone, was damaged in an effort to attain such questionable goals.

Finally, I ask that the DOE withdraw its proposal regarding energy standards for television receivers and maintain that such a standard is neither appropriate, nor necessary.

Again, thank you for your consideration of this matter.
With best regards,

Sincerely,

Randy "Duke" Cunningham
Member of Congress

RDC:co

ROBERT K. DORNAN
46TH DISTRICT, CALIFORNIA

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

ARMED SERVICES COMMITTEE

SUBCOMMITTEES:
MILITARY ACQUISITION
COMBAT READINESS
OVERSIGHT AND INVESTIGATIONS

CHAIRMAN
RSC TASK FORCE ON
FOREIGN AFFAIRS AND DEFENSE



Congress of the United States

House of Representatives

September 29, 1994

EXECUTIVE COMMITTEE
HOUSE REPUBLICAN RESEARCH
COMMITTEE

TASK FORCES:
TAX POLICY AND
JOB OPPORTUNITIES
INTERNATIONAL NARCOTICS CONTROL
STRATEGIC DEFENSE INITIATIVE
TERRORISM
CIVIL RIGHTS
AMERICANS MISSING IN ACTION

HISPANIC CAUCUS
HUMAN RIGHTS CAUCUS
EMPOWERMENT CAUCUS

The Honorable Hazel R. O'Leary
Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Secretary O'Leary:

I am writing to express my opposition to the proposed energy standard for television receivers that DOE published in the March 4 Federal Register.

There is no question that more energy efficient home appliances are critical to reducing energy consumption. However, I believe the proposed mandate for consumption limits on television receivers is an inappropriate and unreasonable measure that will have little affect on our nation's overall energy consumption. It will, however, have a devastating affect on consumers and, more significantly, on the U.S. television industry.

Because the proposed regulations would require components to be removed from television receivers in order to reduce energy consumption in the actual set, television manufacturers will be forced to develop a set-top box in which to place popular features. Not only will this reduce the television's picture quality and performance, it will likely increase overall energy consumption. Furthermore, the proposed standard will make the American television industry less competitive in world markets, since it will restrict the industry's ability to introduce the technological innovations necessary to produce advanced and interactive television. This would seriously undermine progress on our nation's Information Super Highway, which, as you know, is strongly supported by the Clinton Administration.

In light of these considerations, I encourage your department to withdraw its proposal to establish energy consumption limits for television receivers.

Thank you for your time and attention to this matter.

Sincerely,

Robert K. Dornan
U.S. Congressman

BART GORDON
5TH DISTRICT, TENNESSEE

RULES COMMITTEE

BUDGET COMMITTEE

DEPUTY MAJORITY WHIP AT LARGE



101 CANNON BUILDING
WASHINGTON, DC 20515
(202) 375-2221

100 SOUTH MAPLE
P.O. BOX 1000
MURFREESBORO, TN 37132
(615) 896-1000

Congress of the United States
House of Representatives
September 19, 1994

Secretary Hazel R. O'Leary
Secretary of Energy
Department of Energy
James Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary,

I am writing with regard to a proposed rulemaking under the 1992 Energy Policy Act that would set new energy conservation standards for television sets.

As a supporter of the Energy Policy Act, I appreciate the department's concern for reducing energy consumption and encouraging efficiency. But the department's proposal for televisions seems to disregard the substantial progress in energy efficiency that has already been made by the television manufacturing industry. Televisions made today use only a fraction of the energy of televisions of 10 years ago, yet deliver increased quality.

The development of the "information superhighway" will require television sets that are able to produce a good quality picture and are highly capable. The measures the television industry would be required to take to meet the conservation standards suggested by the proposed rule would either greatly reduce the ability of television manufacturers to produce televisions needed for the future or require technical maneuvers such as placing certain control functions in a separate box that could result in a net increase in energy use.

Given the small amount of energy conservation that would theoretically be achieved by the proposed television standards and the substantial negative impact they might have on the public, I urge you to remove the television requirement from any final rule that you publish.

Thank you for your consideration.

Sincerely,

BART GORDON
Member of Congress

BJG/hmw

FRANK McCLOSKEY

SIR/GOVERNOR, MISSOURI

SERVICES COMMITTEEMILITARY ACQUISITION
MILITARY INSTALLATIONS
AND FACILITIES**POST OFFICE AND CIVIL SERVICE
COMMITTEE**CHAIRMAN, CIVIL SERVICE
CENSUS, STATISTICS AND
POSTAL PROGRAMS**FOREIGN AFFAIRS COMMITTEE****Congress of the United States****House of Representatives****Washington, DC 20515-1408****August 30, 1994**

WASHINGTON OFFICE
100 SENATE BUILDING
WASHINGTON, DC 20510-6000
202-512-1000
TELETYPE UNIT
202-512-1000
ONE CIVIL SERVICE CENTER
101 M ST. N.W. CIVIL SERVICE CENTER
WASHINGTON, DC 20540-2000
202-512-1011
GENERAL INVESTIGATIVE DIVISION
101 M ST. N.W. GENERAL INVESTIGATIVE DIV.
WASHINGTON, DC 20535-1001
202-512-6000

The Honorable Hazel R. O'Leary, Secretary
 U.S. Department of Energy
 Forrestal Building
 1000 Independence Avenue, N.W.
 Washington, D.C. 20585

Dear Secretary O'Leary:

It has come to my attention that U.S. Department of Energy (DoE) rulemaking Docket No. EE-RM-90-201, currently being conducted as a result of the Energy Policy Act of 1992, proposes limiting energy consumption by televisions.

I understand the proposed rule would require an additional 33 percent reduction in energy consumption by the average 20-inch television receiver, the energy needs for which already have dropped by 80 percent over the past 30 years. Certainly, I support the Energy Policy Act, and vigorously espouse the principle of increasing energy efficiency as a means of slowing, or even reducing, the need for greater energy resource development, with its associated adverse environmental consequences.

However, it concerns me that imposing mandatory efficiency requirements on televisions runs counter to other federal efforts to establish a "nationwide information super highway." It also seems incompatible with the DoE's own efforts to promote the development of high-definition television (HDTV), which is touted as an integral part of the interactive television informational revolution.

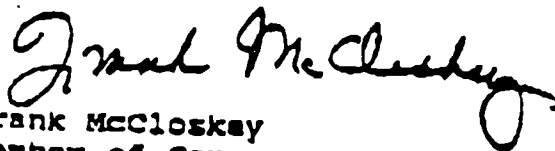
These technologies, which are part of the revolution in communicative technology we currently are experiencing, could allow for more "at home" shopping, banking, working, and entertainment. The refinement of telecommunications technology we currently are experiencing could substantially reduce the need for much more substantial energy needs of transportation associated with daily commuting to work, or running routine errands. The information super highway also could reduce the resource use and energy requirements for such things as mail delivery, newspaper service, or magazine publishing.

SECRET-1994 04-05PM FROM: U.S. DEPT. OF ENERGY (MNR 5000) 1- 4574985 P.83
Secretary O'Leary
August 30, 1994
Page 2

To mandate energy consumption limits on televisions at the onset of such a television-centered technological revolution, seems itself to be inefficient.

I look forward to your response regarding this important issue.

Sincerely,



Frank McCloskey
Member of Congress

FH/dp

cc: Carl E. Adams
DoE Office of Energy Efficiency and Renewable Energy

JOHN P. MURTHA
12TH DISTRICT, PENNSYLVANIA

COMMITTEE
APPROPRIATIONS

Congress of the United States
House of Representatives
Washington, DC 20515-3812

September 29, 1994

The Honorable Hazel O'Leary
Secretary of Energy
Department of Energy
1000 Independence Ave SW
Washington, D.C. 20585-0001

Dear Secretary O'Leary:

I am writing regarding the Department of Energy's (DOE) proposed regulation which would establish energy consumption limits for television receivers.

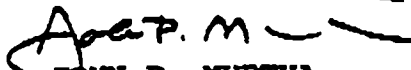
Television receivers already consume very low amounts of energy. An average television receiver currently uses less energy than a 100-watt light bulb. Congress has never required DOE to establish standards for television receivers. Television receiver standards are unnecessary and would be counterproductive in that they would not save energy and would impose economic burdens on consumers and industry.

Sony Electronics currently employs approximately 550 people in my Congressional District at their Manufacturing Center in Mount Pleasant, Pennsylvania. Last year, employees produced over 60,000 color television sets. Any energy efficiency standard for television sets would seriously jeopardize production and employment at Sony's Manufacturing Center in Pennsylvania.

Over the past twenty years, television manufacturers have reduced energy consumption in twenty-inch sets from 450 watts to less than 100 watts. In order to comply with the proposed standards, Sony would be forced to remove features such as stereo sound and remote control and incorporate them in ancillary set-top devices. The end result would be two separate appliances which would consume more energy than the current model.

Your serious consideration of this matter is appreciated. Please do not hesitate to contact me if you have any questions or wish to discuss this matter further.

Sincerely,


JOHN P. MURTHA
Your Congressman

