

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20585**

In the Matter of:)	
)	
)	
Goodman Manufacturing)	Case Number: 2011-SE-4301
Company, L.P.)	
Respondent)	
)	

ORDER

Issued: March 2, 2012

By authority of the Secretary, U.S. Department of Energy:

1. By this Order, I assess a civil penalty upon Goodman Manufacturing Company, L.P., (Respondent) for violations of Federal energy efficiency requirements at 10 C.F.R. § 431.97(b) and 42 U.S.C. § 6313(a)(7).
2. The facts before me are as follows:
 - a. Congress has enacted energy conservation standards for commercial package air conditioners, which DOE has promulgated at 10 C.F.R. § 431.97(b).
 - b. Pursuant to the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6291 *et seq.*, DOE is responsible for the enforcement of compliance with 10 C.F.R. § 431.97(b).
 - c. Pursuant to 42 U.S.C. § 6316 and 10 C.F.R. Part 429, DOE is authorized to assess civil monetary penalties for actions prohibited by the Act, including distributing in commerce new covered equipment that is not in conformity with an applicable energy conservation standard established in or promulgated under 42 U.S.C. § 6313.
 - d. Respondent's commercial package air conditioner basic model CPC180* is "covered equipment" as defined in 42 U.S.C. § 6311(1) and 10 C.F.R. § 431.2.
 - e. The Intertek laboratory in Plano, Texas, tested four units of commercial package air conditioner basic model CPC180* under contract with DOE.
 - f. The Intertek testing of commercial package air conditioner basic model CPC180* was performed in accordance with the DOE test procedure promulgated at 10 C.F.R. § 431.96 and DOE enforcement testing

procedures at 10 C.F.R. § 429.110 and 10 C.F.R. Part 429, Subpart C, Appendix B (Sampling Plan for Enforcement Testing of Covered Equipment and Certain Low-Volume Covered Products).

- g. The testing of commercial package air conditioner basic model CPC180* demonstrated that the basic model does not operate at an Energy Efficiency Ratio (EER) of at least 11, as required under 42 U.S.C. § 6313(a) and 10 C.F.R. § 431.97(b).
 - h. DOE issued a Notice of Noncompliance Determination to Respondent on October 17, 2011, finding Respondent's commercial package air conditioner basic model CPC180* fails to meet the applicable Federal energy efficiency requirements.
 - i. Respondent responded to DOE's Notice of Noncompliance Determination on November 16, 2011. In its response, Respondent provided information showing that it had distributed in commerce in the U.S. 74 units of commercial package air conditioner basic model CPC180*.
 - j. DOE issued a Notice of Proposed Civil Penalty on December 2, 2010, alleging that Respondent had distributed at least 74 units of commercial package air conditioner basic model CPC180* in violation of 10 CFR § 429.102(a)(6). As required under 10 CFR § 429.122(b), the Notice of Proposed Civil Penalty included the amount of the proposed penalty and a statement of the material facts constituting the alleged violation, and informed Respondent of its opportunity to elect to have the procedures of 10 C.F.R. § 429.128 apply with respect to the penalty.
 - k. Respondent has elected to have DOE issue an order assessing a civil penalty pursuant to 10 C.F.R. §§ 429.124(a)(2) and 429.128(a).
3. After evaluating the facts before me, I FIND that Respondent committed 74 Prohibited Acts by failing to comply with 10 C.F.R. § 431.97(b) and 42 U.S.C. § 6313(a)(7).
4. Accordingly, pursuant to Section 333 of the Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6303, I HEREBY ASSESS a civil penalty of \$14,800.

U.S. DEPARTMENT OF ENERGY



Eric J. Fygi
Deputy General Counsel