

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

In the Matter of: )

**Central Moloney, Inc.** )  
(distribution transformers) )

Case Number: 2013-SE-4702

Issued: March 11, 2013

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Liquid-immersed distribution transformers are covered equipment subject to federal energy conservation standards as described in 10 C.F.R. § 431.196(b). Manufacturers and private labelers are prohibited from distributing covered equipment that does not comply with the applicable conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. §§ 6302(a)(5), 6316.

On December 11, 2012, Central Moloney, Inc. ("CMI") submitted a report to the U.S. Department of Energy ("DOE") in an attempt to certify the compliance of basic models of liquid-immersed distribution transformers. In that submission, CMI certified that the following liquid-immersed distribution transformer basic models had efficiency values below the applicable energy conservation standards found in 10 C.F.R. § 431.196(b):

Basic Model Number	kVA Rating	Number of Phases	Certified Efficiency	Efficiency Standard
30300150	300	3	99.22%	99.23%
32500095	2500	3	99.48%	99.49%

On January 16, 2013, CMI provided test data for these basic models in response to a request from DOE. DOE's review of the test data confirmed that the certified efficiency values were obtained in accordance with the statistical sampling provisions for distribution transformers found at 10 C.F.R. § 429.47.

**FINDINGS**

Based on CMI's own test data, DOE has determined that CMI's liquid-immersed distribution transformer basic models 30300150 and 32500095 do not comply with the applicable federal energy conservation standards.

### MANDATORY ACTIONS BY CMI

CMI is required take the following additional steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Immediately cease distribution in U.S. commerce of the liquid-immersed distribution transformer basic models 30300150 and 32500095;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom CMI has distributed units of the liquid-immersed distribution transformer basic models 30300150 and 32500095; and
- (3) Provide DOE, within 30 calendar days of the request, records, reports and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of units of the liquid-immersed distribution transformer basic models 30300150 and 32500095.

If CMI claims that any of the information sought by this Notice constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, CMI must (1) provide one complete and full copy and one copy with the confidential information deleted and (2) submit supporting information together with the materials that are the subject of the confidentiality request. *See* 10 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of CMI's request for confidential treatment.

### OPTIONAL ACTIONS BY CMI

In addition to the mandatory steps listed above that CMI must complete, CMI may elect to modify the liquid-immersed distribution transformer basic models 30300150 and 32500095 in such manner as to make them comply with the applicable standard. Prior to distribution in commerce in the United States, CMI must provide to DOE test data demonstrating that any modified basic models comply with the applicable standard. All units must be tested in accordance with DOE regulations, and CMI shall bear the costs of all such testing that is conducted.

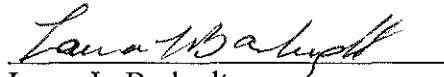
If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE shall issue a notice of allowance to permit CMI to resume the distribution of the modified basic model in the United States. Any modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429 prior to distribution in commerce. Until DOE determines that any modified basic model complies with the applicable standard, no units of the basic model may be sold or otherwise distributed by CMI in the United States.

In addition to satisfying all requirements of Part 429, any models within the modified basic model must be assigned new model numbers and the manufacturer shall also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model(s) prior to distribution in commerce in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should CMI fail to take the required steps described above, this letter serves as notice that DOE may seek civil penalties as authorized under 10 C.F.R. §§ 429.102(a)(7) and 429.114(c).

The distribution of any units of a noncompliant basic model may result in DOE seeking all appropriate legal remedies available under Federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of Federal law.

  
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Laura L. Barhydt  
Assistant General Counsel  
for Enforcement