

**U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVE., SW
WASHINGTON, DC 20585**

In the Matter of:

Arçelik A.Ş

Case Number: 2010-SE-0105

**SUBPOENA
FOR INFORMATION AND PRODUCTION OF DOCUMENTS**

To: Levent Çakıroğlu, General Manager
Arçelik A.Ş
Karaağaç Caddesi 2-6
Sütlüce 34445 Istanbul, Turkey

Service by certified mail

Issued: April 7, 2010

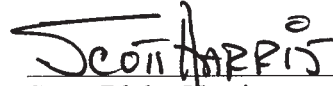
The U.S. Department of Energy (DOE) issues this Subpoena for Information and Production of Documents to Arçelik A.Ş (Arçelik) pursuant to 42 U.S.C. § 6299 of the Energy Policy and Conservation Act (EPCA) and the regulations promulgated thereunder (10 C.F.R. § 430.72).

As you should be aware, pursuant to EPCA, DOE has established an energy conservation standard applicable to refrigerators and refrigerator-freezers. *See* 42 U.S.C. § 6295(b); 10 C.F.R. 430.32(a). Manufacturers and private labelers are prohibited from distributing in commerce any product that fails to comply with such a standard. 42 U.S.C. § 6302(5); 10 C.F.R. § 430.61(4).

DOE has received information suggesting that Arçelik's Blomberg brand refrigerator-freezer, model # BRFB1450, does not comply with the energy conservation standards for refrigerator-freezers set forth in EPCA and DOE's regulations. Upon receipt of this information, DOE initiated an inquiry into the compliance of this model and requires certain information to continue its examination. To this end, and in accordance with its authority under 42 U.S.C. § 6299, DOE is issuing this subpoena to Arçelik.

Failure to provide information and documents violates 42 U.S.C. § 6302 and DOE's accompanying regulations (10 C.F.R. § 430.61). Failure to obey this subpoena may result in eventual penalties imposed by a court of law.

Arçelik's responses to the requests for information and documents must be received by DOE no later than 30 days after the date of this subpoena.

A handwritten signature in black ink, appearing to read "SCOTT HARRIS", written over a horizontal line.

Scott Blake Harris
General Counsel

QUESTIONS

- 1) **Models in Distribution.** List all basic models of refrigerators and refrigerator-freezers that Arçelik currently has in commerce in the United States and identify for each model:
 - a) the model number;
 - b) the product class (10 C.F.R. 430.32(a));
 - c) the total adjusted volume (10 C.F.R. 430.62(a)(4)(xii));
 - d) the annual energy use (10 C.F.R. 430.62(a)(4)(xii)); and
 - e) the person(s) responsible for each model's importation into the United States (usually the importer of record).

- 2) **Model Information.** For Arçelik's Blomberg brand refrigerator-freezer, model # BRFB1450, identify:
 - a) the number of units sold in the United States;
 - b) the number of units in stock and being offered for sale in the United States;
 - c) the number of units imported to the United States;
 - d) the recipients of the identified units and the number of units of that model that were distributed to each recipient.

- 3) **Compliance Statement and Certification Report.** For each basic model that Arçelik listed in response to Question 1, state whether Arçelik submitted a compliance statement and a certification report to DOE pursuant to 10 C.F.R. 430.62, and if so, state the date and manner by which Arçelik first submitted each document.

- 4) **Importer Information.** For each unit listed in response to Question 2, provide the name of the person responsible for the importation of the unit into the United States, and the mailing address and main telephone number of the corporate headquarters of each such importer.

REQUESTS FOR DOCUMENTS

- 1) **Certification Requirements.** All certification reports and compliance statements filed with DOE for each basic model identified in Question 1 above (or, as appropriate, model), placed in commerce and all notices submitted to DOE for each discontinued product.
- 2) **Testing.** All records and other documentation pertaining to the laboratory testing for Arçelik's Blomberg brand refrigerator-freezer, model # BRFB1450.
- 3) **Technical Documents.** All detailed technical specifications and documents related to Arçelik's Blomberg brand refrigerator-freezer, model # BRFB1450. Include:
 - i) service and owner's manual;
 - ii) operating instructions;
 - iii) schematics; and
 - iv) descriptions and specifications for each component.
- 4) **Other Documents.** All documents, not otherwise specifically requested, based on which Arçelik has concluded that its Blomberg brand refrigerator-freezer, model # BRFB1450, meets the energy conservation standards in 10 C.F.R. § 430.32(a).

ATTACHMENT A

DEFINITIONS¹

Arçelik means Arçelik A.Ş, its corporate parents, subsidiaries, and affiliates, and all of their officers, employees, and agents.

Basic model means all units of a given type of covered product (or class thereof) manufactured by one manufacturer and— with respect to refrigerators and refrigerator-freezers, which have the same primary energy source, which have electrical characteristics that are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

Manufacture means to manufacture, produce, assemble, or import.

Manufacturer means any person who manufactures a consumer product.

Person includes any individual, corporation, company, association, firm, partnership, society, trust, joint venture or joint stock company, the government, and any agency of the United States or any State or political subdivision thereof.

Private labeler means an owner of a brand or trademark on the label of a consumer product which bears a private label. A consumer product bears a private label if:

- (1) Such product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of such product;
- (2) The person with whose brand or trademark such product (or container) is labeled has authorized or caused such product to be so labeled; and
- (3) The brand or trademark of a manufacturer of such product does not appear on such label.

Refrigerator means an electric refrigerator.

Refrigerator-freezer means an electric refrigerator-freezer.

¹ For other applicable definitions, see 10 C.F.R. § 430.2.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO THIS SUBPOENA

- Both the responses to the questions and the responses to the requests for documents must be dated, signed by a person authorized to speak for Arçelik, and notarized with the following statement:

“I declare under penalty of perjury that the foregoing is true and correct.
Executed on [date].”

- Responses and documents subject to this subpoena must be submitted whether or not Arçelik believes that DOE already has been provided the information or documents sought by this subpoena.
- The responses to the questions must be numbered and the numbers must correspond to the numbered questions.
- For document requests, in addition to providing copies of the requested documents, provide a written response, with numbers corresponding to the requests, indicating whether you are providing the requested documents, or, if you are not, the reason for not providing the requested documents. If a claim for attorney-client or other privilege is asserted, provide a description of the document by date, author(s) and/or recipients(s), subject matter, and the type of privilege you claim.
- All documents produced in response to this subpoena must be organized with the number of the document production request to which they respond. When the documents would not, standing alone, be self-explanatory, an explanation should be provided in the response to the request.
- The singular includes the plural; the plural includes the singular. “And” as well as “or” shall be construed either disjunctively or conjunctively, to bring within the scope of this subpoena all responses that might otherwise be construed to be outside its scope. “Each” shall be construed to include “every” and “every” shall be construed to include “each.” “Any” shall be construed to include “all” and “all” shall be construed to include “any.” The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.
- If you claim that any of the information or documents sought by this subpoena constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must follow the procedure set out in 10 C.F.R. § 430.75 (provide one complete and

full copy and 15 copies with the confidential information deleted) and submit supporting information together with the materials that are the subject of the confidentiality request. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

- The information and documents to be provided in response to this subpoena include any and all information, from whatever source derived, which is known to, or in the possession or under control of, Arçelik.
- If any information is submitted electronically, the information should be submitted on a CD-ROM that is labeled with the subject matter (“Arçelik. – refrigerators”) and the date of its submission to DOE. Each file should be named and labeled in a manner that readily identifies the question or request for documents to which the information contained therein is responsive. If a particular file is not provided in a common format (e.g., Word or PDF) and requires the use of special software that is not readily available, Arçelik must provide a copy of that software with its submission. If Arçelik seeks confidential treatment on the basis of Exemption 4 of the Freedom of Information Act for any of the materials it submits, it must follow the procedures set out in 10 C.F.R. § 1004.11.
- Where documents responsive to this subpoena include photographs, actual photographs rather than photostatic copies must be provided.
- Arçelik may provide a copy in lieu of the original document only if the copy is complete and legible.
- Arçelik’s response to this subpoena, together with all responsive documents and any confidentiality request, must be sent by FedEx and addressed to:

Laura Barhydt
Office of the General Counsel
United States Department of Energy
Room 6A-245
1000 Independence Ave., SW
Washington, DC 20585-0121

- Failure to provide an accurate and full response to this subpoena could subject Arçelik to penalties under 42 U.S.C. § 6303 as well as those under 18 U.S.C. § 1001.