

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

In the Matter of:

BlueCo Brand
(large-diameter ceiling fans)

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DOE Case No.: 2024-CE-32005
OHA Case No.: EEE-24-0008

ORDER

For the U.S. Department of Energy (“DOE”):

1. On October 16, 2023, under the above-listed case number, DOE issued to BlueCo Brand (“Respondent”) a Notice of Proposed Civil Penalty to pursue a civil penalty for Respondent’s knowing distribution in commerce of a large-diameter ceiling fan basic model without submitting to DOE a report certifying that the basic model complies with the applicable energy conservation standards.
2. Ceiling fans, including large-diameter ceiling fans, are covered products pursuant to 42 U.S.C. §§ 6292(a)(20) and 6295(ff) and 10 C.F.R. § 430.2 that are subject to the energy conservation standards at 10 C.F.R. § 430.32(s).
3. Pursuant to 10 C.F.R. § 429.12, a manufacturer must submit to DOE a report certifying that each basic model of a covered product meets the applicable energy conservation standards, before distributing each basic model in commerce and annually thereafter.
4. Failure to submit a certification report for a basic model of a covered product in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
5. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model is a separate violation.
6. On January 24, 2024, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.¹

¹ OHA subsequently assigned OHA Case Number EEE-24-0008 to this civil penalty action.

7. On March 26, 2024, DOE and Respondent executed a Settlement Agreement, in which Respondent admitted the following:
 - a. Respondent has manufactured² large-diameter ceiling fan basic models.
 - b. Respondent has distributed those basic models in commerce.³
 - c. Respondent knowingly failed to submit a certification report for those basic models prior to distributing them in commerce, in violation of 10 C.F.R. §§ 429.12 and 429.102(a)(1).
8. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of a covered product without submitting to DOE a certification report certifying that those basic models comply with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
9. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$20,000 (twenty thousand dollars), **ORDER** Respondent to pay the assessed civil penalty in full within 30 calendar days, **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

² “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

³ “Distribute in Commerce” or “Distribution in Commerce” means to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce. 42 U.S.C. § 6291(16).