



Department of Energy
Washington, DC 20585

July 27, 2010

BY EMAIL AND CERTIFIED MAIL

Terrell Small
Summit Manufacturing, Inc.
501 Terminal Road
Fort Worth, Texas 76106-1954

Dear Mr. Small:

The attached notice advises you of DOE's closing of case no. 2010-SE-0303.

Although DOE is closing its case, I would like to remind you of your obligations under the energy efficiency regulations. It is ultimately your responsibility to ensure that each component that you sell and represent as a valid model combination is both accurately certified to DOE and compliant with the applicable standard. In addition, you must have a current ARM keyed to the current standard. Changes made to a previously approved ARM require re-approval by DOE.

Should you have any questions, please contact Kate Gehringer of my staff at (202) 586-8779 or kate.gehringer@hq.doe.gov.

Sincerely,

A handwritten signature in black ink that reads "Scott Harris". The signature is stylized with a large, sweeping "S" and a dot over the "i" in "Harris".

Scott Blake Harris
General Counsel

Attachment(s): Case closing notice



U.S. Department of Energy

1000 Independence Ave, SW

Washington, DC 20585

In the Matter of:

Summit Manufacturing, Inc.

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) Case Number: 2010-SE-0303
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NOTICE OF CASE CLOSURE

Issued on: July 27, 2010

On May 28, 2010 the Department of Energy (DOE) issued a Notice of Noncompliance Determination and Subpoena for Information and Production of Documents to Summit Manufacturing, Inc. (Summit) to notify Summit that its certified model 4SHP13LE136P + 15001 + CA042A964 + TDR did not comply with the Department's Seasonal Energy Efficiency Ratio and Heating Seasonal Performance Factor requirements.

Terrell Small, Summit's CEO, met with representatives of my staff on June 18, 2010, and subsequently submitted a response to the Subpoena for Information and Production of Documents on June 28, 2010. Summit contends that the certification was a typographical or other computer error and that the above-mentioned combination was never sold. Based on Summit's subpoena response, DOE accepts that the certification was made in error and that this combination was never offered for sale or sold.

Summit has fulfilled its obligations under 10 CFR 430.72 and this case is now closed.

If you have any questions, you may contact Kate Gehringer of my staff at 202-586-8779 or kate.gehringer@hq.doe.gov.

Issued by:



Scott Blake Harris
General Counsel