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

In the Matter of:))
MVP Group Corporation (commercial refrigerators, freezers, and refrigerator-freezers)))))

Case Number: 2022-CE-42003

<u>ORDER</u>

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

- 1. On January 10, 2023, under the above-listed case number, DOE initiated a case against MVP Group Corporation ("Respondent") to pursue a civil penalty against Respondent for knowingly distributing in commerce in the United States basic models of commercial refrigerators, freezers, and refrigerator-freezers without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards.
- 2. Commercial refrigerators, freezers, and refrigerator-freezers are covered equipment pursuant to 42 U.S.C. § 6311(1)(E) and 10 C.F.R. §§ 431.2 and 431.62 subject to the energy conservation standards at 10 C.F.R. § 431.66.
- 3. Pursuant to 10 C.F.R. § 429.12, manufacturers are required to submit to DOE a certification report certifying that each basic model of covered equipment meets the applicable energy conservation standard, before distributing each basic model in commerce in the United States and annually thereafter.
- 4. Failure to submit a certification report for a basic model of covered equipment 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. Respondent admitted the following:
 - a. Respondent has manufactured¹ commercial refrigerators, freezers, and refrigerator-freezers, including Kool-It models KGF-72 and KSM-40, Ikon

¹ "Manufacture" means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

models IB81R and IT82F-DV, and Hydra-Kool models KGH-ES and KGL-RS ("the basic models").

- b. Respondent has distributed in commerce² in the United States for at least 365 days, and continue to distribute, the basic models.
- c. Respondent knowingly failed to submit a certification report for the basic models before distributing those models in commerce in the United States, and/or annually thereafter, in violation of 10 C.F.R. § 429.12.
- 7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
- Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I HEREBY ASSESS a civil penalty of \$50,000 (fifty thousand dollars) AND ORDER that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh General Counsel

² "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).