

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

In the Matter of:

**Axeman-Anderson Company**  
(residential furnaces and boilers)

Case Number: 2023-CE-17001

**ORDER**

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

1. On April 5, 2023, under the above-listed case number, DOE initiated a case against Axeman-Anderson Company (“Respondent”) to pursue a civil penalty against Respondent for knowingly distributing in commerce in the United States basic models of residential furnaces and boilers without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards.
2. Residential furnaces and boilers are covered products pursuant to 42 U.S.C. §§ 6291(23) and 6292(a)(5) and 10 C.F.R. § 430.2 subject to energy conservation standards set forth at 10 C.F.R. § 430.32(e).
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 a covered product 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 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. Respondent admitted the following:
  - a. Respondent has manufactured<sup>1</sup> residential furnaces and boilers, including the following basic models: NPO model numbers 108NPO and 74NPO, and WL

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<sup>1</sup> “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

Series model numbers WL119, WL140, and WL165 (collectively, “the basic models”).

- b. Respondent has distributed in commerce<sup>2</sup> 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 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 a covered product 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).
8. 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) **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

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Samuel T. Walsh  
General Counsel

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<sup>2</sup> “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).