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

In the Matter of:)	
)	
Aurora Motors	,)	Case Number: 2020-CE-65015
(electric motors))	
	j	

ORDER

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

- 1. On April 18, 2023, under the above-listed case number, DOE issued a Notice of Proposed Civil Penalty to Aurora Motors ("Respondent") to pursue a civil penalty for knowingly distributing in commerce electric motor basic models without submitting to DOE a report certifying that those basic models complied with the applicable energy conservation standards.
- 2. Electric motors are covered equipment. 42 U.S.C. § 6311; 10 C.F.R. § 431.2.
- 3. Pursuant to 10 C.F.R. §§ 429.64 and 431.36, manufacturers must submit to DOE a report certifying that each basic model meets the applicable energy conservation standard, before distributing each basic model in commerce.
- 4. Failure to submit a certification report for covered equipment in accordance with 10 C.F.R. §§ 429.64 and 431.36 is a prohibited act pursuant to 42. U.S.C. §§ 6302, 6316; and 10 C.F.R. § 431.382 and subject to civil penalties as described in 10 C.F.R. § 431.382 and 42. U.S.C. §§ 6303, 6316.
- 5. Pursuant to 42. U.S.C. §§ 6303 and 6316, 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 electric motors, including various basic models of 7.5 to 500 horsepower vertical hollow shaft motors ("the basic models").
 - b. For at least 365 days, Respondent has distributed in commerce² the basic models.

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

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).

- c. Respondent knowingly³ failed to submit a certification report for the basic models, in violation of 10 C.F.R. §§ 429.64 and 431.36.
- 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 and 6316; 10 C.F.R. §§ 429.64 and 431.36.
- 8. Accordingly, pursuant to 10 C.F.R. § 431.382, 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$60,000 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh General Counsel

³ Knowingly means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care. 42 USC § 6303(b).