

- ## ORDER

10. Respondent admitted that Respondent distributed in commerce multiple units of each of the subject models and that each unit of the subject models was a new covered product when Respondent distributed it in commerce.
11. Distribution in commerce of any new covered product that does not comply with an applicable energy conservation standard is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(6) and subject to civil penalties as described in 10 C.F.R. § 429.120.
12. Pursuant to 10 C.F.R. § 429.120, each unit of a covered product distributed in violation of 10 C.F.R. § 429.102(a)(6) is a separate violation.
13. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple new covered products that did not conform with the applicable energy conservation standard. *See* 42 U.S.C. §§ 6302, 6303; 10 C.F.R. § 429.102(a)(6).
14. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$3,000,000 (three million dollars), **ORDER** Respondent to pay the assessed civil penalty in full within 30 calendar days of the issuance of this Order, **AND ORDER** that the Settlement Agreement DOE and Respondent executed is adopted.

Samuel T. Walsh
General Counsel