

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

In the Matter of: )

Cooper Power Systems, LLC )  
(distribution transformers) )

Case Number: 2012-SE-4701

Issued: June 12, 2012

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Liquid-immersed distribution transformers are covered equipment subject to federal energy conservation standards as described in 10 C.F.R. § 431.196(b). Manufacturers and private labelers are prohibited from distributing covered equipment that does not comply with the applicable conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

Cooper Power Systems, LLC (“Cooper”), a wholly-owned subsidiary of Cooper Industries, voluntarily notified the U.S. Department of Energy (DOE) that Cooper had distributed in commerce the following noncompliant liquid-immersed distribution transformers:

<b>Basic Model Number</b>	<b>Number of Units</b>	<b>Efficiency</b>
1259-3-S-1500-13800-95-277-99.28 (“277-99.28”)	1	99.28%
1259-3-W-2000-7200X14400-125-277-99.26 (“277-99.26”)	2	99.26%
1259-3-W-2000-7200X14400-125-277-99.22 (“277-99.22”)	2	99.22%

**FINDINGS**

As voluntarily reported, Cooper distribution transformer basic models 277-99.28, 277-99.26, and 277-99.22 do not comply with the applicable federal energy conservation standards.

**MANDATORY ACTIONS BY COOPER**

Cooper has represented to DOE that Cooper voluntarily ceased distribution in commerce in the United States of distribution transformer basic models 277-99.28, 277-99.26, and 277-99.22. Furthermore, Cooper has provided to DOE information regarding the distribution in commerce in the U.S. of distribution transformer basic models 277-99.28, 277-99.26, and 277-99.22.

Cooper is required take the following additional steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Cooper has distributed units of distribution transformer basic models 277-99.28, 277-99.26, and 277-99.22; and

(2) Provide DOE, within 30 calendar days of the request, records, reports and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of distribution transformer basic models 277-99.28, 277-99.26, and 277-99.22. If Cooper claims that any of the information sought by this Notice constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, Cooper must (1) provide one complete and full copy and one copy with the confidential information deleted and (2) submit supporting information together with the materials that are the subject of the confidentiality request. *See* 10 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of Cooper request for confidential treatment.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Cooper fail to take the required steps described above, this letter serves as notice that DOE may seek civil penalties as authorized under 10 C.F.R. § 429.114(c).

The distribution of any units of a noncompliant basic model may result in DOE seeking all appropriate legal remedies available under Federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of Federal law.

Cooper may modify basic models 277-99.28, 277-99.26, and 277-99.22 in such manner as to make them comply with the applicable standard. Such modified basic models shall then be treated as a new basic model and must be certified in accordance with the provisions of 10 C.F.R. Part 429, except that in addition to satisfying all requirements of this part, any models within the basic model must be assigned new model numbers and the manufacturer shall also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model(s) prior to distribution in commerce in the United States.



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Timothy G. Lynch  
Deputy General Counsel for  
Litigation and Enforcement