

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

In the Matter of:

Maxx Cold Food Service
Respondent

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) Case Number: 2012-SE-4506
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ORDER

By the General Counsel, U.S. Department of Energy:

1. In this Order, I adopt the attached Compromise Agreement entered into between the U.S. Department of Energy ("DOE") and Maxx Cold Food Service ("Respondent"). The Compromise Agreement resolves the case initiated to pursue a civil penalty for distribution in commerce of units of a basic model of covered equipment that fail to meet the energy conservation requirements located at 10 C.F.R. § 431.136 and for failing to supply at Respondent's expense three automatic commercial ice makers to a designated testing facility in accordance with the time limits set forth in a test notice issued by DOE.

2. DOE and Respondent have negotiated the terms of the Compromise Agreement that resolves this matter. A copy of the Compromise Agreement is attached hereto and incorporated by reference.

3. After reviewing the terms of the Compromise Agreement and evaluating the facts before me, I find that the public interest would be served by adopting the Compromise Agreement, which completes the adjudication of the case.

4. Based on the information in the case file and Respondent's admission of violation in the Compromise Agreement, I find that Respondent committed Prohibited Acts as described at 10 C.F.R. § 429.102(a)(4) and (6). *See* 42 U.S.C. §§ 6302, 6316.

5. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, **I HEREBY ASSESS** a civil penalty of \$75,000 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

/s/

Gregory H. Woods
General Counsel

May 9, 2013

Date