

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

In the Matter of:)
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)
Olsun Electrics Corporation) Case Number: 2017-SE-47002
(distribution transformers))
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Issued: July 21, 2017

NOTICE OF NONCOMPLIANCE DETERMINATION

Low-voltage dry-type distribution transformers are covered equipment subject to federal energy conservation standards. 10 C.F.R. §§ 431.2, 431.196(a). Manufacturers and private labelers are prohibited from distributing in commerce¹ covered equipment that does not comply with the applicable federal energy conservation standards. 10 C.F.R. § 429.102(a)(6).

On January 3, 2017, Olsun Electrics Corporation (“Olsun”) submitted a report at CCMS #107225 to the U.S. Department of Energy (“DOE”) in an attempt to certify the compliance of various basic models of low-voltage dry-type distribution transformers. In its certification report, Olsun certified a noncompliant represented efficiency for basic model A72283, a three-phase, low-voltage dry-type distribution transformer with a kVA rating of 42 and BIL of 10. The standard for this transformer is 98.4. 10 C.F.R. § 431.196(a)(2). On March 27, 2017, Olsun provided test data for basic model A72283 showing an efficiency of 98.1, which is below the minimum efficiency standard.

FINDINGS

Based on Olsun’s test data, Olsun’s basic model A72283 does not comply with the applicable federal energy conservation standard.

MANDATORY ACTIONS BY OLSUN

Olsun has represented to DOE that Olsun has ceased distribution in commerce in the United States of distribution transformer basic model A72283. Furthermore, Olsun has provided to DOE information regarding the distribution in commerce in the U.S. of distribution transformer basic model A72283.

¹The terms ‘to distribute in commerce’ and ‘distribution in commerce’ mean 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. § 6311(7) (adopting definitions of these terms as set forth at 42 U.S.C. § 6291(16)).

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

- (1) Do not distribute in commerce in the United States any units of the basic model; and
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Olsun has distributed units of distribution transformer basic model A72283.

If Olsun 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, Olsun 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 Olsun's request for confidential treatment.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Olsun fail to cease immediately the distribution in the United States of all units of models within the basic model, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, Olsun provides DOE with a satisfactory statement within that 30-day period detailing the steps that Olsun will take to ensure that units of the noncompliant basic model will no longer be distributed in commerce in the United States, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

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.

_____/s/_____
Laura L. Barhydt
Assistant General Counsel
for Enforcement