

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

In the Matter of:

Cooper Power Systems, LLC
(distribution transformers)

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Case Number: 2017-SE-47003

Issued: August 28, 2017

NOTICE OF NONCOMPLIANCE DETERMINATION

Low-voltage dry-type distribution transformers are covered equipment subject to federal energy conservation standards as described in 10 C.F.R. § 431.196(a). 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 229 units of noncompliant low-voltage dry-type distribution transformers with the following basic model numbers (“basic models”):

EB2A12072Y7JP0K	FB2A12199Y7JP03	EA2B42079Y7JK03	FA2G17199Y8JP02	EA2G12072Y7JP03
EB2A12072Y7JP0K	FB2A12199Y7JP04	FA2A12072Y8JP01	FA2G17199Y8JP02	EA2G12072Y7JP03
EB2A12072Y7JP0K	FB2A42144Y7JR01	FA2A12072Y8JP01	EB2A46024Y7JP03	EA2G12072Y7JP03
EB2A12072Y7JP0K	FB2A42144Y7JR01	EB2A22138Y7JP01	EB2A46024Y7JP03	EA2G12072Y7JP03
EB2A12072Y7JP0K	FB2A42072Y7JP06	EB2A22138Y7JP01	EB2A46024Y7JP03	EA2G12072Y7JP03
EB2A12072Y7JP0K	FB2A42072Y7JP06	EB2A12072Y8JP08	EB2A44024Y8JP05	EA2G12072Y7JP03
EB2A42072Y7JR0C	FB2A42072Y7JP06	EB2A12072Y8JP08	EB2A44024Y8JP05	EA2G12072Y7JP03
EB2A42072Y7JR0C	EB2A12072Y8JP07	EB2A12072Y8JP08	EB2A44024Y8JP05	EA2G12072Y7JP03
EB2A42024Y7GR01	EB2A12072Y8JP07	EB2A12072Y8JP08	EB2A46041Y8JP02	EA2G12072Y7JP03
EB2A42024Y7GR01	EB2A22083Y8JP01	EB2A22076Y7JP05	EB2A46041Y8JP02	EA2G12072Y7JP03
EB2A42024Y7GR01	EB2A22083Y8JP01	EA2B42138Y7JK03	EB2A46041Y8JP02	DB2A46024Y7JP05
EB2A42024Y7GR01	EB2A22083Y8JP01	EA2B42138Y7JK03	EB2A12079Y7JP04	DB2A46024Y7JP05
FB2A12072Y7JR03	FB2A42024Y7JP01	EA2B42138Y7JK03	EB2A12079Y7JP04	DB2A46024Y7JP05
FB2A12072Y7JR03	FB2A42024Y7JP01	EA2B42138Y7JK03	EA5N42138Y8JP01	EB2A16144Y7JP05
EB2A42124Y7JP01	FB2A42024Y7JP01	EA2B42138Y7JK03	EA5N42138Y8JP01	EB2A16144Y7JP05
EB2A42124Y7JP01	FA2A12024Y7JP01	EA2B42138Y7JK03	EA5N42138Y8JP01	EB2A16144Y7JP05
EB2A42124Y7JP01	FA2A12024Y7JP01	EB2A12144Y8JP03	EA5N42138Y8JP01	EB2A16144Y7JP05
EB2A42072Y7JP0B	FA2A12024Y7JP01	EB2A12144Y8JP03	EB2A44072Y8JP04	EB2A16144Y7JP05
DB2A42024Y7JP02	EA2A22072Y8JP02	EB2A12144Y8JP03	EB2A44072Y8JP04	EB2A16144Y7JP05
EB2A12072Y7JP0P	EA2A22072Y8JP02	EB2A12144Y8JP03	EB2A44072Y8JP04	EB2A12144Y7JP06
EB2A12072Y7JP0L	EB2A12079Y7JP05	EB2A12144Y8JP03	EB2A44072Y8JP04	EA6E44072Y7JP03
EB2A12072Y7JP0L	EB2A42076Y7JP0K	EB2A52144Y7JP0M	EB2A44072Y8JP04	EA6E44072Y7JP03
EB2A12072Y7JR0D	EB2A42138Y7JR0G	EB2A52144Y7JP0M	EB2A44072Y8JP04	EA6E44072Y7JP03

EB2A12072Y7JR0D	EB2A42138Y7JR0G	EB2A52144Y7JP0M	EB2A44072Y8JP04	EA6E44072Y7JP03
EB2A42041Y7JP03	EA6E42199Y7JP04	EB2A52144Y8JP06	EB2A44072Y8JP04	EA2A44072Y7JP01
FB2A12072Y7JR04	EA6E42199Y7JP04	EB2A52144Y8JP06	EA5N42138Y7JP02	EA2A44072Y7JP01
FB2A12072Y7JR04	EA6E42199Y7JP04	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
FB2A12072Y7JR04	EB2A42072Y8JP02	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
FB2A12072Y7JR04	EB2A42072Y8JP02	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
FB3Z12076Y7JP01	EB2A42072Y8JP02	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
EB2A12076Y7JP0A	FB2A41144Y8JP01	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
EB2A12076Y7JP0A	FB2A41144Y8JP01	EA2B12024Y7JK04	EA5N42138Y7JP02	EA2A44072Y7JP01
EB2A12076Y7JP0A	FB2A41144Y8JP01	EA5N42124Y8JP01	EA5N42138Y7JP02	EA2A44072Y7JP01
EB2A12076Y7JP0A	EA2B42079Y7JK03	EA5N42124Y8JP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	EA5N42124Y8JP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	EA5N42124Y8JP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EB2A46072Y8JR04
EB2A12076Y7JP0A	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EA2B42138Y7JK01
EB2A12076Y7JP0A	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EA2B42138Y7JK01
FB2A12144Y7CP01	EA2B42079Y7JK03	FB9A12076Y7CP01	EB2A54144Y7JP0E	EA2B42138Y7JK01
EB2A12072Y8JP0A	EA2B42079Y7JK03	FA2G17199Y8JP02	EC1B44199Y8JP01	EA2B42138Y7JK01
EB2A42144Y7JR02	EA2B42079Y7JK03	FA2G17199Y8JP02	EC1B44199Y8JP01	EA2B42138Y7JK01
EB2A42144Y7JR02	EA2B42079Y7JK03	FA2G17199Y8JP02	EA2G12072Y7JP03	EA2B42138Y7JK01
FB2A12199Y7JP03	EA2B42079Y7JK03	FA2G17199Y8JP02	EA2G12072Y7JP03	

FINDINGS

As voluntarily reported, these 229 basic models of low-voltage dry-type distribution transformers 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 the distribution transformer basic models. Furthermore, Cooper has provided to DOE information regarding the distribution in commerce in the U.S. of the distribution transformer basic models.

Cooper 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 models;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Cooper has distributed units of the distribution transformer basic models;

(3) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties that Cooper notified; and

(4) Provide to DOE within 30 calendar days of the date of this Notice records sufficient to show the number of units of the basic models that Cooper distributed in commerce in the United States, including all units imported into the United States, in the past five years.¹

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's request for confidential treatment.

OPTIONAL ACTIONS BY COOPER

In addition to the mandatory steps listed above that Cooper must complete, Cooper may elect to modify the basic models to bring them into compliance with the current applicable standard. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of this part, any models within the basic models must be assigned new model numbers and Cooper must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic models prior to distribution in commerce. Prior to distribution of the modified basic models in commerce in the United States, Cooper must provide to DOE test data demonstrating that the modified basic models comply with the applicable standard. All units must be tested in accordance with DOE regulations, and Cooper shall bear the costs of all such testing.

If, after this testing, DOE determines that the modified basic models comply with the applicable standard, DOE will issue a Notice of Allowance to permit Cooper to resume the distribution of the modified basic models in the United States. Until DOE determines that the modified basic models comply with the applicable standard, Cooper is prohibited from selling or otherwise distributing units in commerce in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Cooper fail to cease immediately the distribution in the United States of all units of models within the basic models, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, Cooper provides DOE with

¹ Please note that “[t]he 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. § 6291(16).

a satisfactory statement within that 30-day period detailing the steps that Cooper will take to ensure that units of the noncompliant basic models 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 models distributed in violation of federal law.

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