

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

In the Matter of:

**Eaton Corporation**  
(distribution transformers)

)  
)  
)  
)  
)

Case Number: 2019-SE-47001

Issued: August 22, 2019

**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).

Eaton Corporation (“Eaton”) voluntarily notified the U.S. Department of Energy (“DOE”) that Eaton had distributed in commerce<sup>1</sup> noncompliant liquid-immersed distribution transformers with the basic model number 0002FA66KFHA (“the basic model”).

**FINDINGS**

As voluntarily reported, the basic model does not comply with the applicable federal energy conservation standards.

**MANDATORY ACTIONS BY EATON**

Eaton has represented to DOE that Eaton will not produce or distribute in commerce in the United States any additional units of distribution transformer basic model 0002FA66KFHA. Furthermore, Eaton has already provided to DOE information indicating that Eaton distributed in commerce in the U.S. eleven (11) units of the basic model.

If Eaton 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, Eaton 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 Eaton’s request for confidential treatment.

---

<sup>1</sup> Please note that the 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).

CONSEQUENCES FOR CONTINUING TO DISTRIBUTE THE BASIC MODEL

Should Eaton 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, Eaton provides DOE with a satisfactory statement within that 30-day period detailing the steps that Eaton 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