

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

In the Matter of:

Beverage-Air Corporation
Respondent

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Case Number: 2018-SE-42005

ORDER

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

1. In this Order, I adopt the attached Compromise Agreement entered into by the U.S. Department of Energy (“DOE”) and Beverage-Air Corporation (“Respondent”). The Compromise Agreement resolves the case initiated to pursue a civil penalty for distributing in commerce in the United States commercial freezers that are not in compliance with the applicable energy conservation standard in 10 C.F.R. § 431.66.
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 would complete the adjudication of the case.
4. Based on the information in the case file and Respondent’s admission of facts establishing violations, I find that Respondent committed Prohibited Acts by distributing in commerce commercial freezers that are not in compliance with the applicable energy conservation standard. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(6).
5. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, **I HEREBY ASSESS** a civil penalty of \$7,252 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

_____/S/_____
Theodore J. Garrish
Acting General Counsel

____February 1, 2019_____
Date