

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

In the Matter of:)
)
Bard Manufacturing Co., Inc.,) Case Number: 2018-SE-43003
Respondent)
)
)

AMENDED ORDER

For the U.S. Department of Energy:

1. Under the above listed case number, the U.S. Department of Energy (“DOE”) initiated a case against Bard Manufacturing Co., Inc. (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce in the United States single package vertical air conditioners that failed to meet the applicable energy conservation standard.
2. Basic model W72AA-A/W72LA-A (the “basic model”) is a single package vertical air conditioner with a cooling capacity of at least 65,000 and less than 135,000 Btu/h that Respondent manufactured on or after October 9, 2015, and before September 23, 2019.
3. The minimum permissible energy efficiency ratio (“EER”) for a single package vertical air conditioner with a cooling capacity of at least 65,000 and less than 135,000 and manufactured on or after October 9, 2015, and before September 23, 2019, was 10.0. *See* 10 C.F.R. § 431.97(d)(2) Table 10.
4. DOE’s testing of four units of the basic model, conducted in accordance with the DOE test procedure for single package vertical air conditioners (10 C.F.R. § 431.96), yielded capacities of 68,371, 69,679, 70,334, and 71,943 Btu/h. Each of these, and the mean of these values, is at least 65,000 and less than 135,000 Btu/h.
5. DOE’s testing of these four units, conducted in accordance with the DOE test procedure for single package vertical air conditioners (10 C.F.R. § 431.96), yielded EERs of 9.39, 9.59, 9.50, and 9.92, respectively.
6. Applying the calculations in 10 C.F.R. Part 429, Subpart C, Appendix B, shows that the basic model does not comply with the applicable federal energy conservation standard of no less than 10.0 EER.
7. Respondent admitted the basic model does not comply with the minimum 10.0 EER.
8. Between June 2017 and April 2018, Respondent distributed in commerce in the United States multiple units of the basic model.
9. Respondent knowingly distributed in commerce multiple units of new covered equipment which were not in conformity with an applicable energy conservation standard.

10. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple units of new covered equipment of the basic model that were not in conformity with the applicable energy conservation standard. *See* 42 U.S.C. § 6302; 10 C.F.R. §§ 429.102(a)(6), 431.97 Table 10.

11. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, I **HEREBY ASSESS** a civil penalty of \$45,017 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

Alexandra Klass
Deputy General Counsel for
Energy Efficiency and Clean Energy Demonstrations