

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

In the Matter of:)	
)	
)	
Comitale National, Inc.)	Case Number: 2022-SE-43003 and
Respondent)	2022-SE-43004
)	

ORDER

For the U.S. Department of Energy:

1. Under the above-listed case numbers, the U.S. Department of Energy (“DOE”) initiated a case against Comitale National, Inc. (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce in the United States packaged terminal heat pumps that failed to meet the applicable energy conservation standard.
2. Model PH093010WA is a standard size packaged terminal heat pump with a capacity of equal to or greater than 7,000 Btu/h and less than 15,000 Btu/h manufactured on or after October 8, 2012.
3. Standard size packaged terminal heat pumps with a capacity of equal to or greater than 7,000 Btu/h and less than 15,000 Btu/h manufactured on or after October 8, 2012, must have an energy efficiency ratio (“EER”) of at least 14 minus (0.3 times the cooling capacity in kBtu/h) and a Coefficient of Performance (“COP”) of at least 3.7 minus (0.052 times the cooling capacity in kBtu/h). 10 C.F.R. § 431.97(c).
4. DOE testing of four units of model PH093010WA, conducted in accordance with DOE test procedures for packaged terminal heat pumps (10 C.F.R. § 431.96) yielded the following results. The EER of the tested units were 4.33, 4.83, 5.10 and 4.95; and the COP of the tested units were 1.85, 1.85, 1.81, and 1.63, respectively. The tested units had cooling capacities of 6,353.67, 7,199.62, 7,534.58, and 7,146.84 Btu/h, equating to a mean tested cooling capacity of 7,058.68 Btu/h.
5. After applying the calculations in 10 C.F.R. Part 429, Subpart C, Appendix B, DOE finds that the basic model does not comply with the applicable federal energy conservation standard of at least 11.88 EER, nor does the basic model comply with the federal energy conservation standard of at least 3.33 COP.
6. Model PH123010WA is a standard size packaged terminal heat pump with a capacity of less than 7,000 Btu/h manufactured on or after October 8, 2012.
7. Standard size packaged terminal heat pumps with a capacity of less than 7,000 Btu/h and manufactured on or after October 8, 2012, must have an EER of at least 11.9 and a COP of at least 3.3. 10 C.F.R. § 431.97(c).

8. DOE testing of four units of model PH123010WA, conducted in accordance with the DOE test procedures for packaged terminal heat pumps (10 C.F.R. § 431.96) yielded the following results. The EER of three of the units DOE tested were 4.70, 4.72, and 4.82; and the COP of the three tested units were 1.63, 1.83, and 1.76, respectively. The fourth unit DOE tested had a COP of 1.78, but this unit could not be tested in cooling mode because the compressor would not operate continuously.
9. 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 an EER of at least 11.9 and a COP of at least 3.3.
10. Since March 27, 2017, Respondent distributed in commerce in the United States multiple units of the basic models.
11. Respondent knowingly distributed in commerce multiple units of new covered equipment which were not in conformity with an applicable energy conservation standard.
12. Packaged terminal heat pumps are covered equipment, as defined by 42 U.S.C. § 6311(1)(I) and 10 C.F.R. §§ 431.2 and 431.92.
13. Pursuant to 10 C.F.R. § 429.12, manufacturers are required to submit to DOE a certification report certifying that each basic model meets the applicable energy conservation standard, before distributing each basic model in commerce in the United States and annually thereafter.
14. Failure to submit a certification report for covered equipment in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
15. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model is a separate violation.
16. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple units of new covered commercial refrigeration equipment that were not in conformity with the applicable energy conservation standard and without submitting to DOE a certification report certifying that those models complied with the applicable energy conservation standards. *See* 42 U.S.C. §§ 6316 and 6302; 10 C.F.R. §§ 429.102(a)(1) and (6), and 431.66(e)(1).
17. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6316 and 6303, I **HEREBY ASSESS** a civil penalty of \$36,260 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel