

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

In the Matter of:)	
)	
Felix Storch, Inc.)	Case Number: 2020-SE-42009
(commercial refrigerators, freezers, and)	
refrigerator-freezers))	
)	

ORDER

For the U.S. Department of Energy (“DOE”):

1. On May 1, 2023, under the above-listed case number, DOE initiated a case against Felix Storch, Inc. (“Respondent”) to pursue a civil penalty for knowingly distributing in commerce¹ in the United States commercial ice cream freezers that failed to meet the applicable energy conservation standard.
2. Basic model Focus 73 (“the basic model”) is a commercial ice-cream freezer with a self-contained condensing unit designed for holding temperature applications and horizontal closed transparent doors that was manufactured on or after March 27, 2017.
3. DOE tested four (4) units of the basic model in accordance with the applicable DOE test procedure at 10 C.F.R. § 431.64.
4. DOE determined that the tested units of the basic model have a mean total display area of 3.04 square feet.
5. DOE’s testing of the four units of the basic model yielded energy consumption rates of 2.62, 2.64, 2.61, and 2.88 kilowatt hours per day (“kWh/day”).
6. Pursuant to 10 C.F.R. § 431.66(e)(1), a commercial ice-cream freezer with a self-contained condensing unit designed for holding temperature applications, horizontal closed transparent doors, and a total display area of 3.04 square feet that was manufactured on or after March 27, 2017, must have an energy consumption rate that does not exceed 2.13 kWh/day.
7. 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 at 10 C.F.R. § 431.66(e)(1).

¹ “Distribute in Commerce” means 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).

8. Respondent admitted that the basic model does not comply with the applicable federal energy conservation standard at 10 C.F.R. § 431.66(e)(1).
9. Respondent distributed in commerce in the United States multiple units of the basic model.
10. Consequently, Respondent knowingly distributed in commerce multiple units of a new covered product that did not conform with the applicable energy conservation standard.
11. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce multiple units of a new covered product that did not conform with the applicable energy conservation standard. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(6).
12. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, I **HEREBY ASSESS** a civil penalty of \$38,925 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel