

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

In the Matter of:

Advanced Insulation Concepts, Inc.
(doors for walk-in coolers and freezers)

DOE Case Number: 2022-CE-53005
OHA Case Number: EEE-23-0005

ORDER

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

1. On January 3, 2023, under the above-listed DOE Case Number, DOE initiated a case against Advanced Insulation Concepts, Inc. (“Respondent”) to pursue a civil penalty against Respondent for knowingly distributing in commerce in the United States basic models of doors for walk-in coolers and freezers without submitting to DOE a certification report certifying that those basic models complied with the applicable federal energy conservation standards.
2. Components of walk-in coolers and freezers, including doors, are covered equipment pursuant to 42 U.S.C. § 6311(1)(G) and 10 C.F.R. §§ 431.2 and 431.302, subject to federal energy conservation standards set forth at 42 U.S.C. § 6313(f) and 10 C.F.R. § 431.306.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers are required to submit to DOE a certification report certifying that each basic model of covered equipment meets the applicable energy conservation standard, before distributing the basic model in commerce in the United States and annually thereafter.
4. Failure to submit a certification report for a basic model of 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.
5. 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.
6. On February 15, 2023, pursuant to 10 C.F.R. § 429.124(c), DOE referred this case to an Administrative Law Judge (“ALJ”) by filing a Complaint with the DOE Office of Hearings and Appeals (“OHA”) and serving the Complaint on Respondent.¹

¹ The ALJ subsequently assigned OHA Case Number EEE-23-0005 to this civil penalty action.

7. On July 14, 2023, the ALJ issued an Initial Decision in which the ALJ found that Respondent violated 10 C.F.R. § 429.102(a)(1) by knowingly distributing basic models of doors for walk-in coolers and freezers in commerce in the United States for at least 365 days without submitting to DOE the certification report required under 10 C.F.R. § 429.12(a) and recommended that Respondent pay a civil penalty of \$137,696.
8. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards. *See* 42 U.S.C. § 6302; 10 C.F.R. § 429.102(a)(1).
9. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$137,696 (one hundred thirty-seven thousand, six hundred ninety-six dollars) **AND ORDER** that the Initial Decision attached to this Order is adopted.

Samuel T. Walsh
General Counsel