

DEC - 8 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Vondale, Director
Automotive Safety Office
Environmental and Safety Engineering
Ford Motor Company
330 Town Center Drive, Suite 400
Dearborn, MI 48126

NVS-213swmc
EA05-014

Dear Mr. Vondale:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened an Engineering Analysis (EA05-014) to investigate allegations of floor carpet interference with accelerator pedal return resulting in unwanted acceleration in model year (MY) 2003 and 2004 Mustang Cobra vehicles manufactured by Ford Motor Company, and to request certain information.

This office has received 38 Vehicle Owner Questionnaires (VOQs) reporting incidents of unwanted vehicle acceleration resulting from floor carpet interference with accelerator pedal return in MY 2003 and 2004 Mustang Cobras vehicles. One of the reports alleges a crash. A copy of each of the reports is enclosed for your information. ODI also notes that of the 79 warranty claims submitted to ODI by Ford during PE05-038 concerning stuck accelerator pedals, all 46 that have been investigated by ODI have involved wide-open-throttle events caused by the accelerator pedal catching in the carpet. ODI has been unable to interview the remaining 33 as of this time.

In addition, ODI has received ten VOQs (copies enclosed) reporting an accelerator pedal catching in the floor carpet on model years 2003 to 2005 Mustangs (non-Cobra), three of which are reported crashes.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all MY 2003 and 2004 Ford Mustang Cobras manufactured for sale or lease in the United States.

- **Peer vehicles:** all MY 2003 and 2005 Mustang, and other, vehicles equipped with the same floor pan, floor carpeting (in the vicinity of the accelerator pedal assembly) and accelerator pedal arm designs as the subject vehicles.
- **Subject components:** the accelerator pedal, pedal shaft, attaching pivot and bushings, the carpeting on the floor around the accelerator pedal, any and all additional components that may affect or contribute to the accelerator pedal catching in the carpet, manufactured on the subject vehicles.
- **Ford:** Ford Motor Company, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Ford (including all business units and persons previously referred to), who are or, in or after 2001, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** floor carpet interference with accelerator pedal return.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts,

administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Ford, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Ford or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Ford has previously provided a document to ODI, Ford may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Ford's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject and peer vehicles Ford has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Ford, state the following:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture;

- e. Date warranty coverage commenced; and
- f. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

2. State the number of each of the following, received by Ford, or of which Ford is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - e. Property damage claims; and
 - f. Third-party arbitration proceedings where Ford is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which Ford is or was a defendant or codefendant.

For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "g," provide a summary description of the alleged problem and causal and contributing factors and Ford's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Ford's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;

- h. Report or claim date;
- i. Whether a crash is alleged;
- j. Whether a fire is alleged;
- k. Whether property damage is alleged;
- l. Number of alleged injuries, if any; and
- m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

4. State the number of each of the following, received by Ford, or of which Ford is otherwise aware, which may relate to the alleged defect in the peer vehicles.
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - e. Property damage claims; and
 - f. Third-party arbitration proceedings where Ford is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which Ford is or was a defendant or codefendant;

For subparts "a" through "e," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "g," provide a summary description of the alleged problem and causal and contributing factors and Ford's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

5. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 4, state the following information:
 - a. Ford's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;

- e. Vehicle's make, model and model year;
- f. Vehicle's mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. Whether a crash is alleged;
- j. Whether a fire is alleged;
- k. Whether property damage is alleged;
- l. Number of alleged injuries, if any; and
- m. Number of alleged fatalities, if any.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER FOUR DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 6. Produce copies of all documents related to each item within the scope of Request No. 2. and Request No. 4. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Ford used for organizing the documents.
- 7. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Ford to date that relate to, or may relate to, the alleged defect in the subject and peer vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign. Also provide the same information for all vehicles identified in Item 1, including but not limited to non-Cobra Mustangs model years 2003 to 2005 that relate to, or may relate to, the accelerator pedal, pedal shaft, attaching pivot or bushings; the attachment, placement or condition of the carpeting on the floor around the accelerator pedal; any and all additional components that may affect or contribute to the accelerator pedal catching in the carpet.

Separately, for each such claim, state the following information:

- a. Ford's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

8. Describe in detail the search criteria used by Ford to identify the claims identified in response to Request No. 7, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable.
9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject and peer vehicles that Ford has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Ford is planning to issue within the next 120 days.
10. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Ford. Provide the same information for all vehicles identified in Item 1, including but not limited to non-Cobra Mustangs model years 2003 to 2005. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

11. Describe all modifications or changes made by, or on behalf of, Ford in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject and peer vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and

- h. Whether the modified component can be interchanged with earlier production components.**

Also, provide the above information for any modification or change that Ford is aware of which may be incorporated into vehicle production within the next 120 days.

- 12. Provide the following information regarding the accelerator pedal assemblies in the subject and peer vehicles:**
 - a. Copies of all engineering standards, specifications, design guidelines, and similar documents concerning accelerator pedal assembly durability, strength, deflection, deformation and floor clearance;**
 - b. Provide a plot of accelerator pedal position vs. pedal force;**
 - c. State the maximum force that the subject accelerator pedal assembly is designed to withstand without deforming;**
 - d. State the maximum side-to-side deflection of the accelerator pedal assembly;**
 - e. Copies of all documents containing test data related to the documents and/or requirements cited in 12.a through 12.d;**
 - f. Describe all sources of pedal return energy and provide a plot of return force vs. pedal position for the full range of pedal positions;**
 - g. Provide a diagram of Area A and Zone B as cited in communication from William Ireland to Scott Ellison on September 29, 2003 detailed on Ford's PE05-038 response page 0077; and**
 - h. State all differences between the subject vehicles and peer vehicles in any of the information provided in 12.a through 12.g.**
- 13. Provide copies of any and all photographs related to Report No. 4IWDB016 of September 23, 2004.**
- 14. Provide copies of all documents related to Internal Service Message ISM Article Number 04-07-054. State the number of service repairs completed per the instructions of ISM 04-07-054 and provide a list of vehicles that received these repairs by VIN.**
- 15. Provide copies of all documents relating to warranty return analyses of subject components that may relate to the alleged defect.**
- 16. Provide a list of subject vehicles, by VIN, in which Ford determined that there was deformation of the accelerator pedal assembly. For each such vehicle, describe the deformation (location and amount of deformation), provide Ford's assessment of how the deformation occurred and state its relevance to the alleged defect.**
- 17. Produce one of each of the following:**
 - a. Accelerator pedal assemblies for each of the following - if different part numbers - where parts are interchangeable between models and model years, indicate and label:**
 - i) Mustang Cobra MY 2004;**
 - ii) Mustang model P42 MY 2004;**
 - iii) Mustang model P40 MY 2004; and**

- iv) Mustang model T80 MY 2005.
 - b. Owner's manual for MY 2004 Mustang Cobra;
 - c. Copies of all marketing, sales and promotional materials, including print, video and audio for the subject vehicles; and
 - d. Any kits that have been released, or developed, by Ford for use in service repairs to the subject components in the subject and/or peer vehicles.
18. Furnish Ford's assessment of the alleged defect in the subject vehicles, including:
- a. All causal factors, in order of significance, contributing to incidents of floor carpet interference with the accelerator pedal return in the subject vehicles;
 - b. The range of "stuck" throttle positions that have resulted from the alleged defect in the subject vehicles;
 - c. The effect of the driver's floor carpet becoming detached at the transmission tunnel and encroaching into pedal clearance zones upon accelerator pedal assembly operation;
 - d. The cause(s) of accelerator pedal assembly deformation in the subject vehicles;
 - e. The force(s) required to cause the accelerator pedal assembly deformation discussed in 18.d;
 - f. The effectiveness of the SIM 04-07-054 procedure in vehicles in which it has been used;
 - g. A comparison of the incident/failure rates related to the alleged defect, plotted by time in service, between the subject vehicles and each population of peer vehicles by model and model year;
 - h. An assessment of all design, manufacturing and usage differences between the subject and peer vehicles relating to the alleged defect; and
 - i. The reports included with this inquiry.

This letter is being sent to Ford pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Ford's failure to respond promptly and fully to this letter could subject Ford to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Ford cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Ford does not submit one or more requested documents or items of information in response to this information request, Ford must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include

all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Ford's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 27, 2006. Please refer to EA05-014 in Ford's response to this letter. If Ford finds that it is unable to provide all of the information requested within the time allotted, Ford must request an extension from Jeffrey Quandt of my staff at (202) 366-5207 no later than five business days before the response due date. If Ford is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Ford then has available, even if an extension has been granted.

If Ford claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Ford must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Ford is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Stephen McHenry of my staff at (202) 366-4883.

Sincerely,

Original Signed By

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure 1: One CD ROM titled Data Collection Disc containing thirty-eight files