



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



October 17, 2024

VIA EMAIL

Megan J. Beauregard
Chief Legal Officer, Secretary and General Counsel
Legal and Corporate Affairs
Enel North America, Inc.
100 Brickstone Square, Ste 300
Andover, MA 01810

Subject: Information Request ID PE24028

Dear Ms. Megan J. Beauregard:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE24028) to investigate allegations of electrical arcing and thermal events in certain JuiceBox residential Level 2 EV chargers manufactured by Enel X Way USA. (Enel), and to request certain information.

This office has received six reports of electrical malfunctions, electrical arcing, and thermal events, potentially leading to fires and explosions, while one or more Enel X Way USA, LLC's JuiceBox devices were charging electric vehicles at residences. Two reports involve residential fires originating in garages where electric vehicles were being charged with a JuiceBox, and the other four allege electrical malfunctions. A copy of the reports will be provided to you electronically for your review and information.

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

- **Subject devices:** All JuiceBox, JuiceBox Plus, and JuiceBox Pro Level 2 electric vehicle chargers manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Subject app:** Any and all software available online and in mobile app stores to control and track the functionality of the subject devices.
- **Alleged defect:** Any of the symptoms or conditions related to electrical arcing, thermal events, active flame events, explosions, or load balancing malfunctions.

- **Batch number:** Any unique numeric or alphanumeric identifier assigned at the point of production or processing to allow for inventory tracking and traceability.
- **Enel:** Enel X Way USA, LLC, Enel North America, Inc., Enel X S.r.l., and Enel S.p.A., all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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 Enel (including all business units and persons previously referred to), who are or were involved in any way as of October 25th, 2017, with any of the following related to the alleged defect in the subject devices:
 - 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, lawsuits or arbitrations; or
 - d. Communication to, from, or intended for zone representatives, resellers, corporate partners, or other field locations, or any person or entity that has the ability, capacity, or authority to obtain information from your retailers.
- **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, documents generated through litigation, arbitration, or mediation, 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 Enel, 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 Enel 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 C.F.R. § 579.4.

For my staff to be able 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 Enel has previously provided a document to ODI, Enel 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 Enel’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 batch number, the number of subject devices Enel has manufactured for sale or lease in the United States. Separately, for each subject device manufactured to date by Enel, state the following:
 - a. Device identification number;
 - b. Model;
 - c. Original manufacturing facility;
 - d. Batch number;
 - e. Date of manufacture (MM/DD/YYYY);
 - f. Date warranty coverage commenced (MM/DD/YYYY); and

- g. The state in the United States where the device was originally sold or leased, or delivered for sale or lease (postal abbreviation).

Provide this information in Enclosure 3's pre-formatted Microsoft Excel data collection file, in the sheet entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Enel, or of which Enel is otherwise aware, which relate to, or may relate to, the alleged defect in the subject devices:
 - a. Consumer complaints, including those from direct purchasers and individuals or entities purchasing the subject device for residential installation;
 - b. Reports involving an injury or fatality;
 - c. Reports involving smoke or fire;
 - d. Property damage claims;
 - e. Arbitration or mediation proceedings, both pending and closed, where Enel is or was a party to the arbitration or mediation; and
 - f. Lawsuits, both pending and closed, in which Enel is or was a defendant or codefendant.

For subparts "a" through "f" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same device 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 "f" provide a summary description of the alleged problem and causal and contributing factors and Enel's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f" 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. Enel'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. Device owner, email address and telephone number;
 - d. Device owner street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
 - e. Device's identification number;
 - f. Device's model, original manufacturing facility, and batch number;
 - g. Device's usage at time of incident in kilowatt-hours (kWh) (numeric data type);
 - h. Subject app version number at time of incident;
 - i. Incident date (MM/DD/YYYY);
 - j. Report or claim date (MM/DD/YYYY);
 - k. Whether smoke or fire was alleged;
 - l. Whether property damage was alleged;
 - m. Number of alleged injuries, if any; and

- n. Number of alleged fatalities, if any.

Provide this information in Enclosure 3's pre-formatted Microsoft Excel data collection file, in the sheet entitled "REQUEST NUMBER TWO DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Enel used for organizing the documents. Describe in detail the search methods and search criteria used by Enel to identify the items in response to Request No. 2.
5. State, by model and batch number, a total count for all of the following categories of claims, collectively, that have been paid by Enel to date that relate to, or may relate to, the alleged defect in the subject devices: claims derived from hotline inquiries, lawsuits, mediation, and arbitration, 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.

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

- a. Enel's claim number;
- b. Device owner's name, email address, and telephone number ;
- c. Device owner or fleet street address, city, state (postal abbreviation), and ZIP code;
- d. Device identification number;
- e. Repair date (MM/DD/YYYY);
- f. Device usage at time of repair in kilowatt-hour (kWh) (numeric data type);
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code ;
- h. Labor operation number(s);
- i. Problem code(s);
- j. Diagnostic trouble code(s);
- k. Subject app version number at time of claim;
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer;
- n. Cause as stated on the repair order;
- o. Correction as stated on the repair order; and
- p. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Enclosure 3's pre-formatted Microsoft Excel data collection file, in the sheet entitled "WARRANTY DATA."

6. Describe in detail the search methods and search criteria used by Enel to identify the claims in response to Request No. 5, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.
7. State, by make and batch number, the terms of the new device warranty coverage offered by Enel on the subject devices (i.e., the number of months for which coverage is provided and

the device systems that are covered). Describe any available extended warranty coverage option(s) that Enel offered for the subject devices and state by option, model, original manufacturing facility, and batch number, the number of devices that are covered under each such extended warranty.

8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject devices, that Enel has issued to any retailers, regional or zone offices, field offices, resellers, direct purchasers and individuals or entities purchasing the subject device for residential installation, 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 Enel is planning to issue within the next 120 days.
9. 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 devices and/or subject apps that have been conducted, are being conducted, are planned, or are being planned by, or for, Enel. 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.

10. Describe all modifications or changes made by, or on behalf of, Enel in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject devices. 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 device production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component or software;
 - e. The part number(s) (service and engineering) of the modified component or software;
 - f. Whether the original unmodified component or software was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component or software was made available as a service component; and

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

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

11. Describe, and provide copies of all documents relating to, each of the following regarding all subject components:
 - a. Detailed descriptions of the system design and operation, including all associated sensor technologies and specifications related to overload and load balancing conditions;
 - b. List and briefly describe all software diagnostic routines and any associated warnings in the device apps or warning indicators; and
 - c. Subject device installation recommendations relative to other residential demands (e.g., recommended device circuit breaker rating, wiring insulation and separation distance to prevent arcing), device registration and app update process.
12. Furnish Enel's assessment of the alleged defect in the subject devices and subject apps, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk(s) posed to residential properties and occupants inside or outside the vehicle;
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle and/or building would have that the alleged defect was occurring, or subject component was malfunctioning; and
 - f. The reports included with this inquiry.
13. In Enel's statement regarding its decision "to close its electric mobility business in the US and Canada," Enel stated, "An experienced third-party firm will be appointed to manage the company's affairs and ensure that the closure is handled with the utmost care and professionalism. The appointed firm will be responsible for managing the remaining obligations and communicating directly with customers and partners regarding the closure." Identify that third-party firm, including a point of contact, address, phone number, and email address, and include a copy of any and all agreements between Enel and this firm.

Legal Authority for This Request

This letter is being sent to Enel 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. It constitutes a new request for information.

Civil Penalties

Enel's failure to respond promptly and fully to this letter could subject Enel 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.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$27,168 per violation per day, with a maximum of \$135,828,178 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Enel 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, Enel does not submit one or more requested documents or items of information in response to this information request, Enel 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.

Confidential Business Information (CBI)

If Enel's response contains any information that you claim is confidential business information, Enel must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via a secure electronic file transfer link. Please see enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 1).

In addition to submitting a request for confidential treatment and files containing CBI directly to NHTSA's Office of the Chief Counsel, Enel must also submit its request for confidential treatment, the files containing CBI, and their corresponding redacted versions directly to ODI via the Safety Defect Investigations (SDI) Portal. The requests for confidential treatment and certification documents are not confidential so these documents should be uploaded as non-confidential files.

Please refer to PE24028 in Enel's response to this letter and in the request for confidential treatment that Enel may submit.

Due Date

Enel's response to this letter must be submitted to this office by December 2, 2024. If Enel finds that it is unable to provide all of the information requested within the time allotted, Enel must request an extension from me at (202) 366-5864 no later than five business days before the response due date. If Enel 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 Enel then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Genesis Vasquez of my staff at (202) 366-3430.

Sincerely,

Scott Simmons, Chief
Advanced & Emerging Technology Division
Office of Defects Investigation

Enclosure 1, Information for Requests for Confidential Treatment.

Enclosure 2, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following ODI reference numbers: 11230072, 11299263, 11498694, 11571863, 11614375, 11531078.

Enclosure 3, Excel spreadsheet referenced at the end of the requests above.

ENCLOSURE 1 – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel via a secure file transfer link for your submission addressed to the Office of the Chief Counsel. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit your request, the files containing CBI, and their corresponding redacted versions directly to ODI through the Safety Defect Investigations (SDI) Portal.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit the information or documents directly to the Office of Chief Counsel via request a secure file transfer link from the ODI contact listed in your Information Request. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202)366-8534.