INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

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

NHTSA

August 20, 2025

Mr. Jacob Otto
Warranty Department Head
Phoenix Motorcars
1 Whitlee Ct.
Greenville, SC 29607

Subject: Information Request ID RQ25001-01

Dear Mr. Jacob Otto:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a recall Query (RQ25001) to investigate the remedy effectiveness of recall 22V887 for certain model year (MY) 2017-2019 Proterra Catalyst vehicles manufactured by Proterra (liability assumed when purchased out of bankruptcy by Phoenix Motorcars (Phoenix)), and to request certain information.

This office has reviewed news reports of a fire in a Proterra Catalyst city bus.

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

- **Subject vehicles**: All potentially defective vehicles subject to recall 22V887 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 components**: Propulsion battery or batteries that may allow liquid to leak into and accumulate in the battery pack enclosure.

- **Alleged defect**: The remedy effectiveness of recall 22V887 to remove the increased risk of a fire.

- **Phoenix**: Phoenix Motorcars, as the purchaser of, successor to, or otherwise the entity responsible for, relevant Proterra-manufactured vehicles or components. This includes 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 Phoenix (including all business units and persons previously referred to), who are or were involved in any way as of January 1, 2022 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, lawsuits or arbitrations; 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.

- **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 Phoenix, 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 Phoenix 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.

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 Phoenix has previously provided a document to ODI, Phoenix 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 Phoenix'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 vehicles Phoenix has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Phoenix, state the following:
    a. Vehicle identification number (17-character VIN);
    b. Make;
    c. Model;
    d. Model Year;
    e. Subject component part number and design version installed as original equipment;
    f. Date of manufacture (MM/DD/YYYY);
    g. Date warranty coverage commenced (MM/DD/YYYY);
    h. Date of recall remedy completion (MM/DD/YYYY);
    i. Repair facility where the recall remedy was completed;
    j. How many battery packs the vehicle had;
    k. The location of the battery packs (i.e., floor or roof); and
    l. The State in the United States where the vehicle was originally sold or leased, or delivered for sale or lease (postal abbreviation).

Provide the table in Microsoft Excel, or a compatible format, entitled "PRODUCTION DATA." A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

2. State the number of each of the following, received by Phoenix, or of which Phoenix 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;
    d. Reports involving a fire;
    e. Property damage claims;
    f. Third-party arbitration proceedings, both pending and closed, where Phoenix is or was a party to the arbitration; and
    g. Lawsuits, both pending and closed, in which Phoenix is or was a defendant or codefendant.

    For subparts "a" through "g," 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 Phoenix'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. Phoenix'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), email address and telephone number (please use distinct fields for each data type);
    d. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
    e. Vehicle's 17-character VIN;
    f. Vehicle's make, model and model year (please use distinct fields for each data type);
    g. Vehicle's mileage at time of incident (numeric data type);
    h. Incident date (MM/DD/YYYY);
    i. Report or claim date (MM/DD/YYYY);
    j. Whether a crash is alleged;

k. Whether a fire is alleged;
l. Whether property damage is alleged;
m. Number of alleged injuries, if any; and
n. Number of alleged fatalities, if any.

Provide this information in Microsoft Excel, or a compatible format, entitled "REQUEST NUMBER TWO DATA." A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

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 Phoenix used for organizing the documents. Describe in detail the search methods and search criteria used by Phoenix to identify the items in response to Request No. 2.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Phoenix to date that relate to, or may relate to, the alleged defect in the subject 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.

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

   a. Phoenix's claim number;
   b. Vehicle owner or fleet name (and fleet contact person), email address and telephone number (please use distinct fields for each data type);
   c. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
   d. 17-character VIN;
   e. Repair date (MM/DD/YYYY);
   f. Vehicle mileage at time of repair (numeric data type);
   g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code (please use distinct fields for each data type);
   h. Labor operation number(s);
   i. Problem code(s);
   j. Diagnostic trouble code(s);
   k. Replacement part number(s) and description(s);
   l. Concern stated by customer;
   m. Cause as stated on the repair order;
   n. Correction as stated on the repair order; and
   o. Additional comments, if any, by dealer/technician relating to claim and/or repair.

   Provide this information in Microsoft Excel, or a compatible format, entitled "WARRANTY DATA." A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

6. Describe in detail the search methods and search criteria used by Phoenix 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. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions, diagnostic trouble codes and diagnostic trouble code descriptions applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator.

8. State, by make and model year, the terms of the new vehicle warranty coverage offered by Phoenix on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Phoenix offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Phoenix 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 Phoenix 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, Phoenix. 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, Phoenix 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 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 number(s) (service and engineering) of the original component;
e. The part number(s) (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 Phoenix is aware of which may be incorporated into vehicle production within the next 120 days.

12. State the number of each of the following that Phoenix has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (including the cut-off date for sales, if applicable):
    a. Subject components; and
    b. Any kits that have been released, or developed, by Phoenix for use in service repairs to the subject component/assembly.

    For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Phoenix is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

13. Describe the sequence of owner notification letters throughout the recall process, including:
    a. When the letters were sent;
    b. How many owners they were sent to; and
    c. What remedy information did the letters contain.

14. State the number of subject vehicles that have:
    a. Been remedied as a part of recall 22V887 (software update);
    b. Had an alert generated from the recall remedy software;
    c. Had battery packs physically inspected; and
    d. Had battery packs replaced.

    For each subject vehicle that had battery packs replaced, please describe:
    e. How many of the battery packs on each bus were replaced;
    f. Worst extent of damage from battery pack with detected liquid accumulation.

15. Furnish Phoenix’s assessment of the alleged defect in the subject vehicles, including:

a. The causal or contributory factor(s), including Phoenix's assessment of Proterra's recall remedy for 22V887;
b. The failure mechanism(s);
c. The failure mode(s);
d. The risk to motor vehicle safety that it poses;
e. The additional risks associated with vehicles (that have or have not received the recall remedy) that are parked and not in use for a long period of time;
f. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring, or subject component was malfunctioning;
g. What benefit the recall remedy software may provide if liquid accumulates in the battery pack enclosure while the bus is not in use; and
h. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Phoenix 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

Phoenix's failure to respond promptly and fully to this letter could subject Phoenix 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 $27,874 per violation per day, with a maximum of $139,356,994 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 Phoenix cannot respond to any specific request or subpart(s) thereof, please state with sufficient detail in the corresponding narrative the reason why it is unable to do so. Redactions within a document containing responsive information are not permitted in the normal course. If on the basis of attorney-client, attorney work product, or other privilege, Phoenix does not submit one or more requested documents or items of information in response to this information request, Phoenix 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

If Phoenix's response contains any information that you claim is confidential business information, Phoenix must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal or 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).

If you choose not to submit your request for confidential treatment and any files containing CBI directly to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and any files containing CBI directly to NHTSA's Office of the Chief Counsel, Phoenix must submit a copy of its request for confidential treatment and any files containing CBI directly to ODI via the Safety Defect Investigations (SDI) Portal. For each file submitted through the SDI Portal where CBI is being requested, Phoenix must check the "Contains CBI" box. In addition, Phoenix, must submit a redacted version of each file for which CBI is being requested. The requests for confidential treatments and certification documents are not considered confidential so these documents should not be marked as "Contains CBI".

Please refer to RQ25001-01 in Phoenix's response to this letter and in the request for confidential treatment that Phoenix may submit.

Due Date

Phoenix's response to this letter must be submitted to this office by October 6, 2025. If Phoenix finds that it is unable to provide all of the information requested within the time allotted, Phoenix must request an extension from me at (202) 366-0698 no later than five business days before the response due date. If Phoenix 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 Phoenix then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Michael Rimstad of my staff at (202) 948-6146.

Sincerely,

[redacted]

Joshua Neff, Chief
MHDVD Division
Office of Defects Investigation

Enclosure 1, Information for Requests for Confidential Treatment.

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 the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to cbi-helpdesk@dot.gov. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit a copy of your request and files containing CBI 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 request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. 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.