



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
)
UNIVERSAL COMPUTERS AND)
ELECTRONICS, INC.)
d/b/a Appliancebestbuys.com)
and universalledtv.com,)
Respondent)
_____)

Docket No. 9347
Public Document

COMPLAINT COUNSEL’S SECOND REQUEST FOR ADMISSION TO RESPONDENT

Pursuant to Commission Rule of Practice 3.32, the Court’s Scheduling Order dated May 12, 2011, Complaint Counsel hereby requests that Respondent admit the truth of the statement set forth below within ten (10) days after service of this Request.

INSTRUCTIONS

1. For the purposes of this Request for Admissions, each paragraph constitutes a separate statement and is to be admitted or denied separately.
2. Pursuant to Rule 3.32, you must specifically admit or deny the requested admission, or set forth in detail the reasons why you cannot admit or deny the matter. A denial must fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the requested admission, you must specify what portion of it is true and qualify or deny the remainder. In addition, you may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to

enable you to admit or deny. Pursuant to Rule 3.32(b), this Request will be admitted if not responded to.

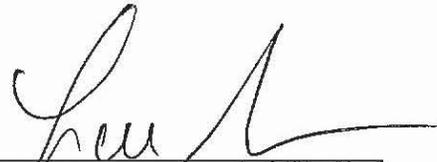
3. Rule 3.32(b) requires that your response be sworn to under oath.
4. It is not grounds for objection that the requested admission relates to opinions of fact or the application of law to fact. Your belief that the matter on which an admission is requested presents a genuine issue for trial does not, on that ground alone, provide a valid basis for objection.

ADMISSION REQUEST

Complaint Counsel requests the following admission:

1. On or about July 16, 2009, Respondent received the letter attached to this request as Exhibit 1.

Date: July 15, 2011



Laura Schneider (202) 326-2604
Matthew J. Wilshire (202) 326-2976

Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Ave., N.W., M-8102B
Washington, D.C. 20580

Complaint Counsel

CERTIFICATE OF SERVICE

I certify that on July 15, 2011, I served *Complaint Counsel's Second Request for Admission to Respondent* upon the following as set forth below:

One electronic copy via the FTC E-Filing System to:

Donald S. Clark, Secretary Federal Trade Commission 600 Pennsylvania Ave., N.W.,
Room H-159 Washington, DC 20580

One electronic copy via email to:

The Honorable D. Michael Chappell Administrative Law Judge 600 Pennsylvania Ave.,
N.W., Room H-110 Washington, DC 20580
Email: oalj@ftc.gov

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Universal Computers and Electronics, Inc.
170-08 Jamaica Avenue
Jamaica, NY 11432
admin@appliancebestbuys.com
Respondent



Laura Schneider
Complaint Counsel

Exhibit 1



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20580

Division of Enforcement
Bureau of Consumer Protection

July 15, 2009

Via Federal Express

Lewis Stanton
Manager
Appliance Best Buys
34-09 Queens Blvd.
Long Island City, NY 11101

Dear Mr. Stanton:

The staff of the Federal Trade Commission has reviewed your website, www.appliancebestbuys.com, and has found that it is not in compliance with the Appliance Labeling Rule (16 C.F.R. Part 305), a regulation that the FTC enforces. This letter explains what the Rule requires and advises that you bring your website into compliance within 30 days.

The Appliance Labeling Rule requires those selling major appliances through a website to disclose information about the appliances' operating costs and energy consumption (16 C.F.R. § 305.20). This requirement helps ensure that the information provided on the yellow EnergyGuide labels in showrooms is also available to consumers shopping online. The Rule applies to your website because it contains the terms of sale, retail price, and instructions for ordering appliances. The appliances covered by the Rule include refrigerators, freezers, dishwashers, clothes washers, room air conditioners, and water heaters. For each covered appliance, you must either: (1) post an image of the manufacturer's EnergyGuide label or (2) disclose the energy information required by Section 305.20(a) of the Rule (attached to this letter). The image or required disclosure should be easy for consumers to find on your website.

We found that your website does not provide the required energy information for a significant number of covered products. In other cases, your site provides an image of an obsolete version of the EnergyGuide label that does not comply with the Rule's current requirements. You should review your website and take whatever steps are necessary to ensure it is in compliance with the Rule.

We plan to revisit your website after 30 days. By sending this letter, we do not waive the FTC's right to take law enforcement action and seek financial penalties against you based on past or future violations.

Further information about the Appliance Labeling Rule is available at www.ftc.gov/appliances. If you have any questions, please contact me at (202) 326-3030.

Sincerely,

A handwritten signature in cursive script that reads "Laura DeMartino".

Laura DeMartino
Assistant Director

Attachment

Attachment - Excerpts from the Appliance Labeling Rule

16 C.F.R. § 305.2 - Definitions

(h) *Catalog* means printed material, including material disseminated over the Internet, which contains the terms of sale, retail price, and instructions for ordering, from which a retail consumer can order a covered product.

16 C.F.R. § 305.20 - Paper catalogs and websites

(a) Any manufacturer, distributor, retailer, or private labeler who advertises in a catalog, a covered product (except ceiling fans, fluorescent lamp ballasts, metal halide lamp fixtures, general service fluorescent lamps, medium base compact fluorescent lamps, general service incandescent lamps including incandescent reflector lamps, showerheads, faucets, water closets, or urinals) shall include in such catalog either the EnergyGuide labels prepared in accordance with §§305.11 and 305.12 for products they offer or the following information:

- (1) The capacity of the model on each page that lists the covered product;
- (2) The estimated annual operating costs for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, room air conditioners, and water heaters as determined in accordance with §305.5 and appendix K of this part on each page that lists the covered product;
- (3) A statement conspicuously placed in the catalog:

(i) For refrigerators, refrigerator-freezers, and freezers (fill in the blanks with the appropriate year and energy cost figures):

Your operating costs will depend on your utility rates and use. The estimated operating cost is based on a [Year] national average electricity cost of [__ cents per kWh].

For more information, visit www.ftc.gov/appliances.

(ii) For room air conditioners and water heaters (fill in the blanks with the appropriate year and energy cost figures):

Your operating costs will depend on your utility rates and use. The estimated operating cost is based on a [Year] national average [electricity, natural gas, propane, or oil] cost of [\$ ____ per kWh, therm, or gallon].

For more information, visit www.ftc.gov/appliances.

(iii) For clothes washers and dishwashers (fill in the blanks with the appropriate information such as the year, and the energy cost figures):

Your operating costs will depend on your utility rates and use. The estimated operating cost is based on [4 washloads a week for dishwashers, or 8 washloads a week for clothes washers] and a [Year] national average cost of __ cents per kWh for electricity and \$ __ per therm for natural gas.

For more information, visit www.ftc.gov/appliances.