



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Todd A. Stevenson
Director • Office of the Secretary
Division of Information Management • Office of Information and Technology

Tel: 301-504-6836
Fax: 301-504-0127
Email: tstevenson@cpsc.gov

August 21, 2008

CERTIFIED MAIL

Daniel Hogan, Esq.
Law Offices of Robert A. Stutman
501 Office Center Drive
Suite 300
Fort Washington, PA 19034

Re: FOIA Request 08-F-00607: American Power Conversion (APC) Power Supply Devices /
Complaints, Reported Incidents, Investigations of Incidents and Commission's Office of
Compliance and Field Operations Corrective Action or Recall File RP030081

Dear Mr. Hogan:

Thank you for your Freedom of Information Act ("FOIA") request seeking information from the U.S. Consumer Products Safety Commission ("Commission"). The records from the Commission files responsive to your request have been processed and copies of the releasable responsive records are enclosed. The enclosed records include file information generated by the Commission itself or its contractors for regulatory or enforcement purposes. These records are from law enforcement investigatory files designated RP030081, and include memoranda, correspondence, notes and documents. The Commission has established management systems under which supervisors are responsible for reviewing the work of their employees or contractors. The file information materials are final and have been prepared and accepted by the Commission's staff under such review systems. The Commission believes that it has taken reasonable steps to assure the accuracy of the information.

The enclosed records include Epidemiologic Investigation Reports with the underlying and supporting documentation. The Commission has received this information from its formal investigation systems. Through these systems the Commission hopes to learn when specific products are associated with illness, injury or death. The Commission believes that it has taken reasonable steps to assure the accuracy of this information. While conducting the interviews for the investigation reports, Commission staff or contractors have spoken with the individuals

involved or with others who witnessed or are familiar with the incidents. Where possible, Commission staff has examined the products reportedly involved in the incidents. Although the Commission has investigated the incidents described in the investigation reports, the Commission has not necessarily determined the cause of the incidents.

Also enclosed are records pertaining to product complaints and reported incidents that were submitted to the Commission by consumers and others. The consumers or submitters have confirmed the accuracy of the information in the complaints and reported incidents. The Commission has neither investigated the incidents nor conducted or obtained any evaluations of the products that corroborate the substance of the information contained in the complaints and reported incidents. In the complaints and reported incidents we have removed the identities of the complainants at their request.

We are withholding other records responsive to your request that are contained in the Commission's law enforcement investigatory file, RP030081, pursuant to the FOIA Exemptions 3, 4, and 5, 5 U.S.C. §§ 552(b)(3), (b)(4), and (b)(5), and sections 6(a)(2), 6(b)(1) and 25(c), of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. §§ 2055(a)(2), and (b)(1) and §2074(c). FOIA Exemption 3 provides for the withholding from disclosure of matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3 to these records, we are relying in part on CPSA section 6(a)(2) to withhold files that contain proprietary and confidential information. Section 6(a)(2) prohibits the Commission from disclosing information that is exempt from disclosure under Exemption 4 of the FOIA. That exemption protects trade secrets and confidential commercial information directly related to a firm's business that the firm has not made public and whose disclosure could give a substantial commercial advantage to a competitor. The protected records include file materials containing submitted confidential commercial information, such as, submitted proprietary engineering and technical drawings, marketing processes, sales details and customer lists from the entire APC submission dated January 3, 2002 (sic).

We are also withholding the same records from the files pertaining to the negotiations with the company, according to the Commission regulations at 16 C.F.R. § 1101.33, and Exemption 3 of the FOIA and section 6(b)(1) of the CPSA, which prohibits the Commission from disclosing information about a consumer product that identifies a manufacturer or private labeler unless the Commission has taken "reasonable steps" to assure that the information is accurate, that disclosure is fair in the circumstances, and that disclosure will be reasonably related to effectuating the purposes of the laws that the Commission administers. It would not be fair in the circumstances to disclose a firm's notes, drafts or minutes of meetings to discuss and negotiate settlement agreements, when the company has requested confidentiality and such records are protected from disclosure pursuant to 16 C.F.R. § 1101.33. Specifically, we are withholding notes and draft materials that would reveal the settlement negotiations and discussions about the issues of the corrective action.

Certain preliminary internal Commission staff notes and analyses are also being withheld pursuant to FOIA Exemption 5. Exemption 5 provides for the withholding from disclosure of inter-agency and intra-agency memoranda which would not be available by law to a party other than an agency in litigation with the agency. The staff notes and analyses being

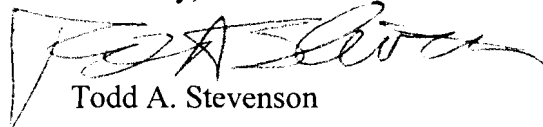
withheld are both predecisional and deliberative, consisting of recommendations, opinions, suggestions and analyses. Any factual materials in the memoranda not covered by some other exemption are inextricably intertwined with exempt materials or the disclosure of the factual materials would itself expose the deliberative process. We have determined that the disclosure of the law enforcement investigatory records responsive to your request would be contrary to the public interest. It would not be in the public interest to disclose these materials because disclosure would impair the frank exchange of views necessary with respect to such matters.

You will note that in the documents disclosed information that could identify injured parties has been deleted, because section 25(c) of the CPSA, 15 U.S.C. § 2074(c)(1), prohibits such disclosures without the consent of those individuals.

According to the Commission's FOIA regulations at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed within thirty (30) days of your receipt of this letter by writing to: FOIA APPEAL, General Counsel, ATTN: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408.

Processing this request, performing the file searches and preparing the information, cost the Commission \$50.00. In this instance, we have decided to waive all of the charges.

Sincerely,



Todd A. Stevenson

Enclosures

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CASE NO. RP 03008

53462
11/29/04

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Jack Kramer
COMPLIANCE OFFICER:
Earl Trask
LEGAL DIVISION ATTORNEY
Power Supply
PRODUCT
fire
HAZARD

APC
FIRM

FIRM ADDRESS

CITY, STATE AND ZIP CODE

FIRM WEBSITE ADDRESS

Peter Wexler
CONTACT

CONTACT ADDRESS

CITY, STATE AND ZIP CODE
401-789-5735 x2255
TEL. NO.
401-789-3710
FAX NO.

| Assign No | From | Insp Firm Name | Insp Firm Addr | Insp Firm City | Notify Firm | Firm Follow | Recall Sign | Inventory Init | Inventory Notif |
|---------------|------|--------------------|----------------------------|------------------------|-------------|-------------|-------------|----------------|-----------------|
| 030328CRC6723 | BRD | Office Depot | 11001 Lee Hwy. | Fairfax, VA 22030 | Y | Y | N | 7 | 5 |
| 030328CRC6724 | MKP | Comp-USA | 826 S. Wheatley St. | Ridgeland, MS 39157 | Y | Y | Y | | 0 |
| 030328CRC6725 | MKP | Office Depot 358 | 6329 I-55 North | Jackson, MS 39213 | Y | Y | Y | 0 | 0 |
| 030328CRC6726 | NJ | Staples | 1491 Route 23 South | Wayne, NJ 07470 | Y | * | Y | 0 | 0 |
| 030328CRC6727 | NJ | Office Depot | 1465 US Highway 46 West | Little Falls, NJ 07424 | Y | N | Y | 7 | 7 |
| 030328CRC6728 | BGB | Office Depot | 3795 West Emporium Circle | Mesquite, Texas 75150 | N | * | * | 0 | 0 |
| 030328CRC6729 | BGB | Circuit City | 3733 West Emporium | Mesquite, Texas 75150 | Y | Y | Y | 2 | 2 |
| 030328CRC6730 | BGB | Comp USA | 1515 Town East Blvd. #168 | Mesquite, Texas 75150 | Y | Y | Y | 279 | 188 |
| 030328CRC6731 | BGB | Frys Electronics | 12710 Executive Dr. | Dallas, Texas 75238 | Y | Y | Y | 14 | 10 |
| 030328CRC6732 | BGB | Staples | 9222 E. RL Thorton Freeway | Dallas, Texas 75228 | Y | Y | Y | 0 | 0 |
| 030328CRC6733 | WA | Office Depot | 1751 Airport Way South | Seattle, WA 98184 | Y | N | N | 45 | 7 |
| 030328CRC6734 | GU | PC OUTLET | P.O. BOX 20148 | Barrigada, GU 96921 | N | * | N | 0 | 0 |
| 030328CRC6735 | ID | Office Depot | 3545 E. Fairview | Meridian, Idaho 83642 | Y | Y | Y | 0 | 5 |
| 030328CRC6736 | ID | n/a | | | N | * | * | | |
| 030328CRC6737 | ID | Staples, Inc. #622 | 1901 Caldwell Blvd | Nampa, ID 83651 | Y | Y | Y | 4 | 0 |
| 030422WRC5457 | ID | n/a | | | N | * | * | | |

| U.S. CONSUMER PRODUCT SAFETY COMMISSION NOTICE OF INSPECTION | |
|--|---|
| 1. DATE <i>5/22/03</i> | 3. FROM (Area Office and Address) <i>Guam Dept. of Public Health P.O. Box 2816 Hagatna, GU 96922</i> |
| 2. TIME A.M. <i>3:20</i> P.M. | |
| A. NAME AND TITLE OF INDIVIDUAL <i>Matthew Ho, Technical Manager</i> | |
| B. FIRM NAME <i>PC Outlet</i> | |
| 4. TO | C. NUMBER AND STREET ADDRESS <i>P.O. Box 20148</i> |
| | D. CITY, STATE AND ZIP CODE <i>Barrigada, GU 96921</i> |
| <p>Notice of Inspection is hereby given pursuant to:</p> <ul style="list-style-type: none"> • Flammable Fabrics Act (15 U.S.C. 1191 <i>et seq.</i>); • Federal Trade Commission Act (15 U.S.C. 41 <i>et seq.</i>); • Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076) • Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 <i>et seq.</i>)] and/or • Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)). <p>Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.</p> | |
| 5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED. The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission. | |
| 6. FREEDOM OF INFORMATION REQUIREMENTS Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015. | |
| 7. SIGNATURE (Authorized CPSC Official) <i>Rosanna Y. Raluy E.P.S.A.</i> | |

2P038081

| U.S. CONSUMER PRODUCT SAFETY COMMISSION | | 030328CRC 6724 |
|---|---|----------------|
| NOTICE OF INSPECTION | | MKP |
| 1. DATE 5-21-03 | 3. FROM (Area Office and Address) FOER-JACKSON, MS 601-924-8370 PO Box 167 CLINTON, MS 39060 | |
| 2. TIME A.M. 2:00 P.M. | | |
| 4. TO | A. NAME AND TITLE OF INDIVIDUAL Linda R. Laird, Front End Manager | |
| | B. FIRM NAME Comp-USA 601-956-1118 | |
| | C. NUMBER AND STREET ADDRESS 826 S. WHEATLEY ST. | |
| | D. CITY, STATE AND ZIP CODE RIDGE LAND, MS 39157 | |
| <p>Notice of inspection is hereby given pursuant to:</p> <ul style="list-style-type: none"> • Flammable Fabrics Act (15 U.S.C. 1191 et seq.); • Federal Trade Commission Act (15 U.S.C. 41 et seq.); • Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076) • Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)] and/or • Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)). <p>Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.</p> | | |
| <p>5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.</p> <p>The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.</p> | | |
| <p>6. FREEDOM OF INFORMATION REQUIREMENTS</p> <p>Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations. 16 CFR Part 1015.</p> | | |
| <p>7. SIGNATURE (Authorized CPSC Official)</p> <p><i>Mary K. Pigott</i></p> | | |

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
NOTICE OF INSPECTION

030328CRC6725
MKP

1. DATE

5-14-03

3. FROM (Area Office and Address)

FOER-JACKSON, MS
P.O. BOX 167
Clinton, MS 39060

601-924-8370

2. TIME

10:50 A.M. _____ P.M.

A. NAME AND TITLE OF INDIVIDUAL

Jeffrey L. Ross - Store Manager

B. FIRM NAME

Office Depot 358

601-957-6115

4. TO

C. NUMBER AND STREET ADDRESS

6329 I 55 North

D. CITY, STATE AND ZIP CODE

Jackson, MS 39213

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations. 16 CFR Part 1015.

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030328CRL6733

2030081

| U.S. CONSUMER PRODUCT SAFETY COMMISSION | |
|--|--|
| NOTICE OF INSPECTION | |
| 1. DATE 15 APRIL 2003 | 3. FROM (P) Larry Kirchner c/o Eugene Staebell, CPSC Officer 10842 SE 208th, #273 Kent, WA 98031 (253) 631-6806 |
| 2. TIME A.M. 4:30 P.M. | |
| A. NAME AND TITLE OF INDIVIDUAL Jason Bennett, Business Machines Rep. | |
| B. FIRM NAME Office Depot | |
| 4. TO | C. NUMBER AND STREET ADDRESS 1751 Airport Way So |
| | D. CITY, STATE AND ZIP CODE Seattle WA 98134 |
| <p>Notice of Inspection is hereby given pursuant to:</p> <ul style="list-style-type: none"> • Flammable Fabrics Act (15 U.S.C. 1191 <i>et seq.</i>); • Federal Trade Commission Act (15 U.S.C. 41 <i>et seq.</i>); • Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076) • Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 <i>et seq.</i>)] and/or • Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)). <p>Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.</p> | |
| <p>5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.</p> <p>The purpose of this inspection is to obtain information: to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.</p> | |
| <p>6. FREEDOM OF INFORMATION REQUIREMENTS</p> <p>Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.</p> | |
| <p>7. SIGNATURE (Authorized CPSC Official)</p> <p>Larry Kirchner</p> | |

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0263191 PC 6/26/03

U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

| | |
|--------------------------|---|
| 1. DATE 15 April 2003 | 3. FROM (Area Office and Address) Larry Kirchner c/o Eugene Stacell, CPSC Officer 10842 SE 208th, #273 Kent, WA 98031 (253) 631-6806 |
| 2. TIME A.M. 330 P.M. | |

| | |
|-------|--|
| 4. TO | A. NAME AND TITLE OF INDIVIDUAL Robyn Bliss, Dept Manager |
| | B. FIRM NAME Sears |
| | C. NUMBER AND STREET ADDRESS 76 S. Lander |
| | D. CITY, STATE AND ZIP CODE Seattle WA 98046 |

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

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6. FREEDOM OF INFORMATION REQUIREMENTS

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7. SIGNATURE (Authorized CPSC Official)

Larry Kirchner

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030308CRC6723

U.S. CONSUMER PRODUCT SAFETY COMMISSION
NOTICE OF INSPECTION

RP030081

| | |
|----------------------------------|--|
| 1. DATE 5 Apr 03 | 3. FROM (Area Office and Address) CPSC Washington DC |
| 2. TIME 10:30 A.M. _____ P.M. | |

| | |
|-------|---|
| 4. TO | A. NAME AND TITLE OF INDIVIDUAL Alfredo R. Oliver, Asst Mgr. |
| | B. FIRM NAME Office Depot Sonia Casas, Customer Svc Mgr. |
| | C. NUMBER AND STREET ADDRESS 1011 Lee Hwy |
| | D. CITY, STATE AND ZIP CODE Falls Church VA 22030 |

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 et seq.);
- Federal Trade Commission Act (15 U.S.C. 41 et seq.);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

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6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which is exempt from disclosure under the Freedom of Information Act.

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Peter Wexler
 Senior Attorney
 American Power Conversion Corp.
 132 Fairgrounds Road
 W. Kingston, RI 02892

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee
 B. Received by (Printed Name) *DAVID GIOVINO* C. Date of Delivery *7/6/04*
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

001 1940 0001 3421 5404

Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT**

(Domestic Mail Only: No Insurance Coverage Provided)

OFFICIAL USE

7001 1940 0001 3421 5404

| | |
|---|-----------|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

Postmark
 Here

Sent To *RPO30081*
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+ 4

310



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email: mschoem@cpsc.gov

Marc J. Schoem
Director
Tel: 301-504-7520
Fax: 301-504-0359

Certified Mail/FAX (401) 789-3710

June 29, 2004

Peter Wexler
Senior Attorney
American Power Conversion Corp.
132 Fairgrounds Road
W. Kingston, RI 02892

Re: CPSC RP030081
American Power Conversion Corporation
Uninterruptible Power Supplies

Back-UPS CS350 and Back-UPS CS500

Dear Mr. Wexler:

The U.S. Consumer Product Safety Commission staff has reviewed your firm's progress in carrying out the corrective action plan in the referenced matter. The Office of Compliance has determined that no further monitoring on the part of the staff is warranted. Therefore, acting under delegation from the Commission, the staff has closed the corrective action phase of this case. The Commission staff, however, will reopen this file if it finds that the public has not been adequately protected from the risk of injury presented by this product by the corrective actions taken by the firm.

To ensure our records are complete, please submit a final progress report indicating the number of products returned/repaired/replaced by consumers and your distribution chain. Attached is a progress report for your use. Please also advise us if there have been any additional incident/injury reports and claims and lawsuits pertaining to the recalled products since the announcement of the recall. The final progress report and the incident/injury/claim and lawsuit reports should be faxed to the attention of Marc Schoem at 301-504-0359 within five (5) days of your receipt of this letter.

The firm has a continuing obligation to inform the Commission of defects associated with this product which could create a substantial product hazard and of information which reasonably supports the conclusion that a product creates an unreasonable risk of serious injury

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or death. If the firm receives any information affecting the scope, prevalence, or seriousness of the defect or hazard, it must report to this Office immediately.

The staff requests that the firm continue to implement its corrective action program until as many products as possible have been removed from the marketplace. Please continue to maintain your toll-free number as a means for consumers to reach you about your recall. Should the firm decide to change or discontinue the toll-free number, you must notify the Division of Recalls and Compliance and provide a new recall contact number for the firm. This information will be maintained by CPSC and provided to consumers and others seeking information on your recall.

If the firm receives information that might indicate that its corrective actions are not satisfactory in eliminating the defect or hazard or that the effectiveness of the recall program was less than what had been reported, it must report that information to the Division of Recalls and Compliance immediately.

Thank you for your cooperation in this matter.

Sincerely,



Marc J. Schoem
Director
Recalls and Compliance Division

Monthly Progress Report for Corrective Action Plan & Incident Update

CASE# RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Supply

Reporting Dates, From: 7/1/2003 To: 7/31/2003 Total of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| With Manufacturer | 122,791 | 0 | 90,286 | 74% |
| With Distributor* | 30,365 | 0 | 30,365 | 100% |
| With Retailers** | 54,316 | - | 39,761 | 73% |
| With Consumers | 829,000 | 6,668 | 210,801 | 25% |
| TOTAL: | 1,036,472 | 6,668 | 371,213 | 36% |

* Distributor # as originally reported was understated

**Retail and Catalog Total -original Retail # was higher

II) NOTIFICATION MEASURES

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|-----------|
| Billing Insert | 0 | 0 |
| Direct Mail Letter | 30,000 | 314,484 |
| Magazine | 0 | 0 |
| Newspaper | 0 | 0 |
| Pediatrician Poster | 0 | 0 |
| Phone Call | 0 | 0 |
| Product Catalog | 0 | 1,335,966 |
| Radio | 0 | 0 |
| Retail Store Poster | 0 | 3000 |
| Television | 0 | 0 |
| Web Site* | 0 | 341,917 |
| Post Office | 0 | 0 |
| Thrift Store | 0 | 0 |
| Other Email | 0 | 1,722,677 |

III) CONSUMER AWARENESS

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|---------------|
| Billing Insert | | |
| Direct Mail Letter | | |
| Magazine | | |
| Newspaper | | |
| Pediatrician Poster | | |
| Phone Call | | |
| Product Catalog | | |
| Radio | | |
| Retail Store Poster | | |
| Television | | |
| Web Site | | |
| Post Office | | |
| Thrift Store | | |
| Other | | |
| Total | 0 | 41,198 |

* Recall Page Hits

** includes 248,235 mailed in april

IV) Calls to 800 Number/Correspondence

| | # From Customers This Reporting Period | Total |
|------------------|--|--------|
| 800 Number | 1,293 | 54,591 |
| E-mail | 109 | 5796 |
| Written Requests | 0 | <30 |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | 0 | 15 |
| # Injuries | 0 | 0 |
| # Deaths | 0 | 0 |

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CONFIDENTIAL



September 3, 2003

Jack T. Kramer
Compliance Officer
Recalls and Compliance
United States Consumer Product Safety Commission
4330 East West Highway
Room 613
Bethesda, Maryland 20814

SENT VIA FEDEX

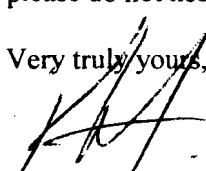
Re: CPSC RP030081, American Power Conversion Corporation ("APC") UPS

Dear Mr. Kramer:

Please find accompanying this letter APC's Monthly Progress Reports and Corrective Action Plan & Incident Updates ("Update Reports") for May 2003, June 2003 and July 2003.

If you have any question or would like to discuss this Update Report in greater detail please do not hesitate to contact me directly at (401) 789-5735 x2255.

Very truly yours,


Peter Wexler
Associate General Counsel
American Power Conversion Corporation

American Power Conversion Corporation

PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

30

Monthly Progress Report for Corrective Action Plan & Incident Update

CASE# RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Supply

Reporting Dates, From: 6/1/2003 To: 6/30/2003 Total of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| With Manufacturer | 122,791 | 0 | 90,286 | 74% |
| With Distributor* | 30,365 | 0 | 30,365 | 100% |
| With Retailers** | 54,316 | - | 39,761 | 73% |
| With Consumers | 829,000 | 6,919 | 204,133 | 25% |
| TOTAL: | 1,036,472 | 6,919 | 364,545 | 35% |

* Distributor # as originally reported was understated

**Retail and Catalog Total -original Retail # was higher

II) NOTIFICATION MEASURES

| | Number for This Reporting Period |
|---------------------|----------------------------------|
| Billing Insert | 0 |
| Direct Mail Letter | 0 |
| Magazine | 0 |
| Newspaper | 0 |
| Pediatrician Poster | 0 |
| Phone Call | 0 |
| Product Catalog | 0 |
| Radio | 0 |
| Retail Store Poster | 0 |
| Television | 0 |
| Web Site* | 0 |
| Post Office | 0 |
| Thrift Store | 0 |
| Other Email | 0 |

* Recall Page Hits

III) CONSUMER AWARENESS

| | Total | Number for This Reporting Period | Total |
|---------------------|-----------|----------------------------------|---------------|
| Billing Insert | 0 | | |
| Direct Mail Letter | 36,249 | | |
| Magazine | 0 | | |
| Newspaper | 0 | | |
| Pediatrician Poster | 0 | | |
| Phone Call | 0 | | |
| Product Catalog | 1,335,966 | | |
| Radio | 0 | | |
| Retail Store Poster | 3000 | | |
| Television | 0 | | |
| Web Site | 341,917 | | |
| Post Office | 0 | | |
| Thrift Store | 0 | | |
| Other | 1,722,677 | | |
| Total | | 0 | 41,198 |

IV) Calls to 800 Number/Correspondence

| | # From Customers This Reporting Period | Total |
|------------------|--|--------|
| 800 Number | 1,134 | 53,298 |
| E-mail | 112 | 5687 |
| Written Requests | 0 | <30 |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | 0 | 15 |
| # Injuries | 0 | 0 |
| # Deaths | 0 | 0 |

Monthly Progress Report for Corrective Action Plan & Incident Update

CASE# RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Supply

Reporting Dates, From: 5/1/2003 To: 5/31/2003 Total of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| With Manufacturer | 122,791 | 0 | 90,286 | 74% |
| With Distributor* | 30,365 | 0 | 30,365 | 100% |
| With Retailers** | 54,316 | - | 39,761 | 73% |
| With Consumers | 829,000 | 53,493 *** | 197,214 | 24% |
| TOTAL: | 1,036,472 | 53,493 | 357,626 | 35% |

* Distributor # as originally reported was understated

**Retail and Catalog Total -original Retail # was higher

*** includes 927 not previously included from April period

II) NOTIFICATION MEASURES

III) CONSUMER AWARENESS

| Number for This Reporting Period | | Total | Number for This Reporting Period | | Total |
|----------------------------------|---|-----------|----------------------------------|----------|---------------|
| Billing Insert | 0 | 0 | Billing Insert | | |
| Direct Mail Letter | 0 | 36,249 | Direct Mail Letter | | |
| Magazine | 0 | 0 | Magazine | | |
| Newspaper | 0 | 0 | Newspaper | | |
| Pediatrician Poster | 0 | 0 | Pediatrician Poster | | |
| Phone Call | 0 | 0 | Phone Call | | |
| Product Catalog | 0 | 1,335,966 | Product Catalog | | |
| Radio | 0 | 0 | Radio | | |
| Retail Store Poster | 0 | 3000 | Retail Store Poster | | |
| Television | 0 | 0 | Television | | |
| Web Site* | 0 | 341,917 | Web Site | | |
| Post Office | 0 | 0 | Post Office | | |
| Thrift Store | 0 | 0 | Thrift Store | | |
| Other Email | 0 | 1,722,677 | Other | | |
| | | | Total | 0 | 41,198 |

* Recall Page Hits

IV) Calls to 800 Number/Correspondence

| # From Customers This Reporting Period | Total | | |
|--|-------|--------|--|
| 800 Number | 2,605 | 52,164 | |
| E-mail | 350 | 5575 | |
| Written Requests | 0 | <30 | |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | 0 | 15 |
| # Injuries | 0 | 0 |
| # Deaths | 0 | 0 |

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Monthly Progress Report for Corrective Action Plan & Incident Update

Case #: RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Sup

Reporting Dates, From: 06/01/2003 To: 06/30/2003

Total # of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| with Manufacturers | 122,791 | | 90,286 | 73.53% |
| with Distributors | 30,365 | | 30,365 | 100.00% |
| with Retailers | 54,316 | | 39,761 | 73.19% |
| with Consumers | 829,000 | 6,919 | 204,133 | 24.62% |
| TOTAL: | 1,036,472 | 6,919 | 364,545 | 35.17% |

II) NOTIFICATION MEASURES:

(Using the categories listed below, record the number of notifications attempted by your firm during this reporting period and the total number of notifications to date.)

III) CONSUMER AWARENESS:

(Using the categories listed below, record the way, by numerical quantity, consumers told you they learned of the corrective action, i.e. consumer received direct mail, read magazines, etc.)

| | Number for this Reporting Period | Total | | Number for this Reporting Period | Total |
|---------------------|----------------------------------|-----------|---------------------|----------------------------------|--------|
| Billing Insert | | 0 | Billing Insert | | 0 |
| Direct Mail Letter | | 232,912 | Direct Mail Letter | | 0 |
| Magazine | | 0 | Magazine | | 0 |
| Newspaper | | 0 | Newspaper | | 0 |
| Pediatrician Poster | | 0 | Pediatrician Poster | | 0 |
| Phone Call | | 0 | Phone Call | | 0 |
| Product Catalog | | 1,335,966 | Product Catalog | | 0 |
| Radio | | 0 | Radio | | 0 |
| Retail Store Poster | | 3,000 | Retail Store Poster | | 0 |
| Television | | 0 | Television | | 0 |
| Web Site | | 262,103 | Web Site | | 0 |
| Thrift Store | | 0 | Thrift Store | | 0 |
| Post Office | | 0 | Post Office | | 0 |
| Video News Release | | 0 | Video News Release | | 0 |
| Other/Unknown | | 1,722,677 | Other/Unknown | | 55,172 |

IV) Call to 800 Number/Correspondence:

| | # For This Reporting Period | Total |
|------------------|-----------------------------|--------|
| 800 Number | 1,134 | 40,218 |
| E-mail | 112 | 3,487 |
| Written Requests | | 20 |
| Web Site Hits | | 0 |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | | 5 |
| # Injuries | | 0 |
| # Deaths | | 0 |

Note: submit completed form by the FIRST of EACH MONTH to Judy Smith, Recall Coordinator, at:

United States Consumer Product Safety Commission, Office of Compliance, 4330 EastWest Highway, Room 613, Bethesda, MD 20814
 fax report to (301) 504-0359 or e-mail to jsmith@cpsc.gov. Address any questions to Ms. Smith at (301) 504-7525

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Monthly Progress Report for Corrective Action Plan & Incident Update

Case #: RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Sup

Reporting Dates, From: 04/01/2003 To: 05/31/2003

Total # of Affected Products:

1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| with Manufacturers | 122,791 | | 90,286 | 73.53% |
| with Distributors | 30,365 | | 30,365 | 100.00% |
| with Retailers | 54,316 | | 39,761 | 73.19% |
| with Consumers | 829,000 | 53,493 | 197,214 | 23.79% |
| TOTAL: | 1,036,472 | 53,493 | 357,626 | 34.50% |

II) NOTIFICATION MEASURES:

(Using the categories listed below, record the number of notifications attempted by your firm during this reporting period and the total number of notifications to date.)

III) CONSUMER AWARENESS:

(Using the categories listed below, record the way, by numerical quantity, consumers told you they learned of the corrective action, i.e. consumer received direct mail, read magazines, etc.)

| Number for this Reporting Period | | Total | Number for this Reporting Period | | Total |
|----------------------------------|--|-----------|----------------------------------|--|--------|
| Billing Insert | | 0 | Billing Insert | | 0 |
| Direct Mail Letter | | 232,912 | Direct Mail Letter | | 0 |
| Magazine | | 0 | Magazine | | 0 |
| Newspaper | | 0 | Newspaper | | 0 |
| Pediatrician Poster | | 0 | Pediatrician Poster | | 0 |
| Phone Call | | 0 | Phone Call | | 0 |
| Product Catalog | | 1,335,966 | Product Catalog | | 0 |
| Radio | | 0 | Radio | | 0 |
| Retail Store Poster | | 3,000 | Retail Store Poster | | 0 |
| Television | | 0 | Television | | 0 |
| Web Site | | 262,103 | Web Site | | 0 |
| Thrift Store | | 0 | Thrift Store | | 0 |
| Post Office | | 0 | Post Office | | 0 |
| Video News Release | | 0 | Video News Release | | 0 |
| Other/Unknown | | 1,722,677 | Other/Unknown | | 55,172 |

IV) Call to 800 Number/Correspondence:

| | # For This Reporting Period | Total |
|------------------|-----------------------------|--------|
| 800 Number | 2,605 | 39,084 |
| E-mail | 350 | 3,375 |
| Written Requests | | 20 |
| Web Site Hits | | 0 |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | | 5 |
| # Injuries | | 0 |
| # Deaths | | 0 |

Note: submit completed form by the FIRST of EACH MONTH to Judy Smith, Recall Coordinator, at:

United States Consumer Product Safety Commission, Office of Compliance, 4330 EastWest Highway, Room 613, Bethesda, MD 20814
 fax report to (301) 504-0359 or e-mail to jsmith@cpsc.gov. Address any questions to Ms. Smith at (301) 504-7525

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Monthly Progress Report for Corrective Action Plan & Incident Update

CASE# RP030081 Compliance Officer: Jack Kramer
 Company Name: American Power Conversion Product: Uninterruptible Power Supply
 Reporting Dates, From: 3/1/2003 To: 3/31/2003 Total of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|------------------|-------------------------|-------------------|-------------------|
| With Manufacturer | 122,791 | 9,572 | 90,286 | 74% |
| With Distributor* | 30,365 | 0 | 30,365 | 100% |
| With Retailers** | 54,316 | - | 39,761 | 73% |
| With Consumers | 829,000 | 38,671 | 143,721 | 17% |
| TOTAL: | 1,036,472 | 48,243 | 304,133 | 29% |

* Distributor # as originally reported was understated
 **Retail and Catalog Total -original Retail # was higher

II) NOTIFICATION MEASURES

| Number for This Reporting Period | Total |
|----------------------------------|------------------|
| Billing Insert | 0 |
| Direct Mail Letter | 196,663 |
| Magazine | 0 |
| Newspaper | 0 |
| Pediatrician Poster | 0 |
| Phone Call | 0 |
| Product Catalog | 0 |
| Radio | 0 |
| Retail Store Poster | 0 |
| Television | 0 |
| Web Site* | 63,426 |
| Post Office | 0 |
| Thrift Store | 0 |
| Other Email | 0 |
| Total | 1,722,677 |

* Recall Page Hits

III) CONSUMER AWARENESS

| Number for This Reporting Period | Total |
|----------------------------------|---------------|
| Billing Insert | |
| Direct Mail Letter | |
| Magazine | |
| Newspaper | |
| Pediatrician Poster | |
| Phone Call | |
| Product Catalog | |
| Radio | |
| Retail Store Poster | |
| Television | |
| Web Site | |
| Post Office | |
| Thrift Store | |
| Other | |
| Total | 13,974 |
| Total | 55,172 |

IV) Calls to 800 Number/Correspondence

| # From Customers This Reporting Period | Total |
|--|---------------|
| 800 Number | 10,728 |
| E-mail | 750 |
| Written Requests | <10 |
| Total | 36,479 |
| Total | 3025 |
| Total | <20 |

V) Incident Update:

| # For This Reporting Period | Total |
|-----------------------------|-------|
| # Incidents | 14 |
| # Injuries | 0 |
| # Deaths | 0 |

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CONFIDENTIAL



June 3, 2003

Jack T. Kramer
Compliance Officer
Recalls and Compliance
United States Consumer Product Safety Commission
4330 East West Highway
Room 613
Bethesda, Maryland 20814

SENT VIA FEDEX

Re: CPSC RP030081, American Power Conversion Corporation ("APC") UPS

Dear Mr. Kramer:

Please find accompanying this letter APC's Monthly Progress Report and Corrective Action Plan & Incident Update ("Update Report") for March 2003.

If you have any question of would like to discuss this Update Report in greater detail please do not hesitate to contact me directly at (401) 789-5735 x2255.

Very truly yours,


Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation

PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

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Monthly Progress Report for Corrective Action Plan & Incident Update

CASE# RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Supply

Reporting Dates, From: 1/14/2003 To: 2/28/2003 Total of Affected Products: 1,036,472

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|----------------|-------------------------|-------------------|-------------------|
| With Manufacturer | 122,791 | 80,714 | 80,714 | 66% |
| With Distributor* | 30,365 | 30,365 | 30,365 | 100% |
| With Retailers** | 54,316 | 39,761 | 39,761 | 73% |
| With Consumers | 829,000 | 105,050 | 105,050 | 13% |
| TOTAL: | 1,036,472 | 255,890 | 255,890 | 25% |

* Distributor # as originally reported was understated

**Retail and Catalog Total -original Retail # was higher

II) NOTIFICATION MEASURES

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|-----------|
| Billing Insert | 0 | 0 |
| Direct Mail Letter | 36,249 | 36,249 |
| Magazine | 0 | 0 |
| Newspaper | 0 | 0 |
| Pediatrician Poster | 0 | 0 |
| Phone Call | 0 | 0 |
| Product Catalog | 1,335,966 | 1,335,966 |
| Radio | 0 | 0 |
| Retail Store Poster | 3000 | 3000 |
| Television | 0 | 0 |
| Web Site* | 198,677 | 198,677 |
| Post Office | 0 | 0 |
| Thrift Store | 0 | 0 |
| Other Email | 1,722,677 | 1,722,677 |

* Recall Page Hits

III) CONSUMER AWARENESS

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|--------|
| Billing Insert | | |
| Direct Mail Letter | | |
| Magazine | | |
| Newspaper | | |
| Pediatrician Poster | | |
| Phone Call | | |
| Product Catalog | | |
| Radio | | |
| Retail Store Poster | | |
| Television | | |
| Web Site | | |
| Post Office | | |
| Thrift Store | | |
| Other | | |
| Total | 41,198 | 41,198 |

IV) Calls to 800 Number/Correspondence

| | # From Customers This Reporting Period | Total |
|------------------|--|--------|
| 800 Number | 25,751 | 25,751 |
| E-mail | 2275 | 2275 |
| Written Requests | <10 | <10 |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | 2 | 0 |
| # Injuries | 0 | 0 |
| # Deaths | 0 | 0 |

CONFIDENTIAL



April 16, 2003

Jack T. Kramer
Compliance Officer
Recalls and Compliance
United States Consumer Product Safety Commission
4330 East West Highway
Room 613
Bethesda, Maryland 20814

SENT VIA FEDEX

Re: CPSC RP030081, American Power Conversion Corporation ("APC") UPS

Dear Mr. Kramer:

Please find accompanying this letter APC's Monthly Progress Report and Corrective Action Plan & Incident Update ('Update Report') for January and February 2003.

If you have any question of would like to discuss this Update Report in greater detail please do not hesitate to contact me directly at (401) 789-5735 x2255.

Very truly yours,


Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation

PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

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401-789-5735 x 2255

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CASE NUMBER: RP RP030078 ⁸¹

RECEIVED BY:
DATE: 12/20/02
PRIORITY: X

DIVISION OF CORRECTIVE ACTIONS
SECTION 15(b) REPORT WORKSHEET

FIRM: American Power
ADDRESS:

PHONE: 401-789-5735 x 2255
FAX: 401-788-2766

CONTACT: Peter Woxler

TITLE:

ADDRESS [IF DIFFERENT FROM ABOVE]:

PHONE:

FAX:

PRODUCT:

NEISS CODE:

BRAND NAME/MODEL NO: BK 500 BK 350

UPC:

RETAIL PRICE: 79.112

CERTIFICATION/STANDARDS INFORMATION:

DEFECT/PROBLEM: unit my short

HOW AND WHEN DISCOVERED:

HAZARD: fire

INJURIES: none

DISCUSSION: [Include any information has at this point regarding extent of problem, testing information, firm's explanation]

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ADDITIONAL PRODUCT INFORMATION:

1 ml

TOTAL NUMBER INVOLVED:

~~24 m. 1~~ ~~4000.00~~

WITH MFR: _____

8 5

WITH DISTRIBUTORS: _____

WITH RETAILERS: _____

WITH CONSUMERS: _____

DISTRIBUTION: NATIONAL REGIONAL

PRODUCTION/IMPORTATION DATES:

DISTRIBUTION DATES:

CORRECTIVE ACTION PLANNED OR UNDERWAY: [INCLUDE DATES]

INFORMATION RE ANY OTHER FIRMS INVOLVED:

[E.G., IMPORTER, DISTRIBUTOR, RETAILERS, COMPONENT PART SUPPLIER]

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

FEB - 6 2003

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email: jkramer@cpsc.gov

Jack Kramer
Compliance Officer
Tel: 301-504-7604
Fax: 301-504-0359

Certified Mail/Facsimile 401.789.3710

Peter Wexler
Senior Attorney
American Power Conversion Corp.
132 Fairgrounds Road
W. Kingston, RI 02892

Re: CPSC RP030081
American Power Conversion Corporation
Uninterruptible Power Supplies
Back-UPS® CS350 and Back-UPS® CS 500

Dear Mr. Wexler:

Thank you for your report of January 3, 2003 under section 15(b) of the Consumer Product Safety Act, 15 U.S.C. § 2064(b), and for promptly initiating a corrective action plan to address the reported problem. In your report you indicated that the power supply device of certain American Power Conversion Corporation (APCC) back-up power supplies can fail, resulting in the exterior of the case melting, which can pose a potential fire hazard.

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission reviewed the actions proposed by APCC concerning the back-up power supplies. Acting under delegation from the Commission, the staff has accepted the plan as adequate. The recall plan accepted by the staff includes the following actions:

1. Issue with CPSC a joint press release
2. Establish a toll-free number for consumers seeking information on the recall
3. Post notice of the recall on APCC's web page
4. Provide point of purchase posters to retailers that sold the recalled products

FIRM NOTIFIED
 No comments made
 Exclusions/Revisions
 Firm has not requested
 Further notice
 Ex. 5 + 76
 6/9/03

5. Notify by mail consumers known to APCC, as purchasing the recalled products
6. Provide consumers with recalled products a redesigned product
7. Incorporate redesign in future production products

Please continue the corrective actions implemented and initiate any others contained in the plan accepted by the staff. The Office of Compliance will be monitoring the firm's corrective action plan. Please submit **monthly** progress reports of the recall, using the enclosed form, to U.S. Consumer Product Safety Commission, Office of Compliance, Judy Smith, 4330 East West Highway, Room 613, Bethesda, MD 20814-4408 by the first of each month or fax to (301) 504-0359. If you have any questions, please contact Judy Smith on (301) 504-7525. **Please reference the CPSC file number in your response.**

When your firm determines the corrective action plan has been implemented to the best of its ability and as many products as possible have been removed from the marketplace, it may submit a final progress report, referencing the file number, and request that the file be closed. At that time the staff will review the plan's progress and decide whether the file should be closed. The Office of Compliance will evaluate the effectiveness of the plan. The staff could seek broader corrective action if the corrective action plan does not prove effective. When the staff closes its file on a recall, we ask that the firm continue its corrective action program until as many products as possible have been removed from the marketplace. Please continue to maintain your toll-free recall number as a means for consumers to reach you about your recall. Should the firm decide to change or discontinue its toll-free recall number, you must notify the Division of Recalls and Compliance and provide a new recall contact number for the firm. If the firm wishes to change the terms of the recall you must also discuss any proposal with us before it makes any change. This information will be maintained by CPSC and provided to consumers and others seeking information on your recall.

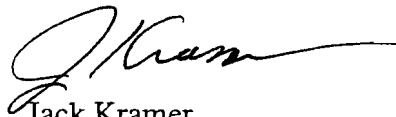
If the firm receives or learns of any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the reported problem, it must report that information to this Office immediately. Additionally, if the firm receives information that might indicate that its corrective actions are not satisfactory in eliminating the problem or that the effectiveness of the corrective action program is less than has been anticipated, it must report that information to the Division of Recalls and Compliance immediately.

Section 6(b)(1) requires the Commission to give notice thirty days in advance of the intended disclosure of information that identifies the manufacturer or private labeler of a product. The staff is enclosing a summary of the corrective action plan. The Commission publishes a list of product recalls and other corrective actions initiated by firms in an Annual Report to Congress. This information is also occasionally used in lists for specific product categories. This letter gives the firm its opportunity under section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1), and 16 C.F.R. Part 1101, to comment on the accuracy of the information.

The staff has made every effort to assure that the enclosed information is accurate. If, however, the firm believes that the information is not accurate, please send comments to me. The firm's comments must be received within twenty-three calendar days of your receipt of this certified letter if they are to be considered. Please include with any comments specific information to support any claim that the information is not accurate. If the Commission decides to disclose the information, unchanged, over any accuracy objections, it will give the firm ten (10) working days notice, as required by section 6(b)(2) of the CPSA, 15 U.S.C. § 2055(b)(2).

Thank you for your continued cooperation in this matter. If you have any questions, please contact me at 301-504-7604.

Sincerely,



Jack Kramer
Compliance Officer
Recalls and Compliance Division

Enclosures:

Corrective Action Summary
Progress Report Form
Recall Checklist

cc:

Judith Hayes, CRC
Judy Smith, CRC

Voluntary Corrective Action Plans Under Section 15
of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act

The following is a list of voluntary corrective action plans recently accepted by the Commission (or the staff acting under authority delegated by the Commission). A firm's taking corrective action does not constitute admission by the firm that a substantial product hazard exists.

Space does not permit the staff to give a complete list of the specific model numbers of the products involved in each of these corrective actions. Consumers who believe that they have a product affected by one of these actions should follow the instructions given in this list or contact either the manufacturer or the Commission to determine if their product is one of those affected.

**Voluntary Corrective Action Plans Under
Section 15 of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act**

| DATE | FIRM AND PRODUCT | ALLEGED HAZARD | REMEDY |
|-------|--|---|--|
| 00/00 | American Power Conversion W. Kingston, RI 02892 Uninterruptable Power Supply, Back-UPS CS 500 and Back-UPS CS 350 | Fire hazard, internal failure can cause the unit to overheat and melt the exterior case, possible for ignition of nearby combustibles | Replace recalled product with a redesigned unit |

Monthly Progress Report for Corrective Action Plan & Incident Update

CASE #: RP030081

Compliance Officer: Jack Kramer

Company Name: American Power Conversion

Product: Uninterruptible Power Supply (UPC)

Reporting Dates, From: _____ To: _____

Total# of Affected Products: _____

I) PRODUCTS CORRECTED/CAPTURED BY YOUR FIRM:

| Location of Products | Total Products | Corrections This Period | Total Corrections | Percent Corrected |
|----------------------|----------------|-------------------------|-------------------|-------------------|
| With Manufacturer | _____ | _____ | _____ | _____ |
| With Distributor | _____ | _____ | _____ | _____ |
| With Retailers | _____ | _____ | _____ | _____ |
| With Consumers | _____ | _____ | _____ | _____ |
| TOTAL: | _____ | _____ | _____ | _____ |

II) NOTIFICATION MEASURES:

(Using the categories listed below, records the numbers of notifications attempted by your firm during this reporting period, and records the total number of notifications to date.)

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|-------|
| Billing Insert | _____ | _____ |
| Direct Mail Letter | _____ | _____ |
| Magazine | _____ | _____ |
| Newspaper | _____ | _____ |
| Pediatrician Poster | _____ | _____ |
| Phone Call | _____ | _____ |
| Product Catalog | _____ | _____ |
| Radio | _____ | _____ |
| Retail Store Poster | _____ | _____ |
| Television | _____ | _____ |
| Web Site | _____ | _____ |
| Post Office | _____ | _____ |
| Thrift Store | _____ | _____ |
| Other | _____ | _____ |

III) CONSUMER AWARENESS: (Using the categories below, record the way, by numerical quantity, Consumers told you they learned of the corrective action, i.e. consumer received direct mail, read magazine, etc.)

| | Number for This Reporting Period | Total |
|---------------------|----------------------------------|-------|
| Billing Insert | _____ | _____ |
| Direct Mail Letter | _____ | _____ |
| Magazine | _____ | _____ |
| Newspaper | _____ | _____ |
| Pediatrician Poster | _____ | _____ |
| Phone Call | _____ | _____ |
| Product Catalog | _____ | _____ |
| Radio | _____ | _____ |
| Retail Store Poster | _____ | _____ |
| Television | _____ | _____ |
| Web Site | _____ | _____ |
| Post Office | _____ | _____ |
| Thrift Store | _____ | _____ |
| Other | _____ | _____ |

IV) Calls to 800 Number/Correspondence

| | # From Customers This Reporting Period | Total |
|------------------|--|-------|
| 800 Number | _____ | _____ |
| E-mail | _____ | _____ |
| Written Requests | _____ | _____ |

V) Incident Update:

| | # For This Reporting Period | Total |
|-------------|-----------------------------|-------|
| # Incidents | _____ | _____ |
| # Injuries | _____ | _____ |
| # Deaths | _____ | _____ |

NOTE: Submit completed form by the **FIRST** of EACH MONTH to Judy Smith, Recall Coordinator, at:
 United States Consumer Product Safety Commission, Office of Compliance
 4330 East West Highway, Room 613 Bethesda, MD 20814
 OR, fax report to (301) 504-0359 or e-mail to jsmith@cpsc.gov. Address any questions to Ms. Smith at 301- 504-7525

U.S. CONSUMER PRODUCT SAFETY COMMISSION
Office of Compliance

Firm Name: American Power Conversion

File Number: RP030081

Product: Uninterruptible Power Supply (UPC)

Priority: x

CORRECTIVE ACTION PLAN:

A. Notice:

Event:

Date:

press release

1/14/03

direct mail

point of purchase signs

other (web posting)

B. Repair, replacement, refund:

repair approved by technical support

replacement with product approved by technical support

refund

C. Procedures:

Distribution chain recall

mfr/importer level

wholesaler/distributor level

retailer level

consumer level

Mail in to firm

Return to retailer

replace

Home visit At dealer At Retailer

Home consumer is to send back recalled unit

Toll-free line

*****FOR OFFICIAL USE ONLY!*****

7

___ Other (describe):

D. Effectiveness:

| | |
|------------------------------------|--------------|
| Total Products Involved: 1,039,995 | Corrected: 0 |
| At Manufacturer: 122,791 | Corrected: 0 |
| At Distributors: 2,355 | Corrected: 0 |
| At Retailers: 59,697 | Corrected: 0 |
| With Consumers: 855,152 | Corrected: 0 |

E. Decision on corrective action:

- Accept CAP and Monitor
- Fast Track Product Recall Case
- ___ Accept CAP and Close File (provide rationale)
- ___ Pursue further remedial action (provide rationale)
- ___ Refer to CAL
- ___ Refer to Commission with recommendation to accept CAP [Class A case]

CAP APPROVALS:

Compliance Officer *[Signature]* 1/15/03 *RIS 1/15/03*

Attorney _____

Associate Director, CRC *[Signature]* 2/5/3

Director, CRC _____
(Only if CAP or CAP & Close approval)

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE

January 14, 2003

Release # 03-068

APC Recall Hotline: (866) 272-7359

CPSC Consumer Hotline: (800) 638-2772

CPSC Media Contact: Scott Wolfson, (301) 504-7051

CPSC, American Power Conversion Corp. Announce Recall of Back-Up Power Supply Systems

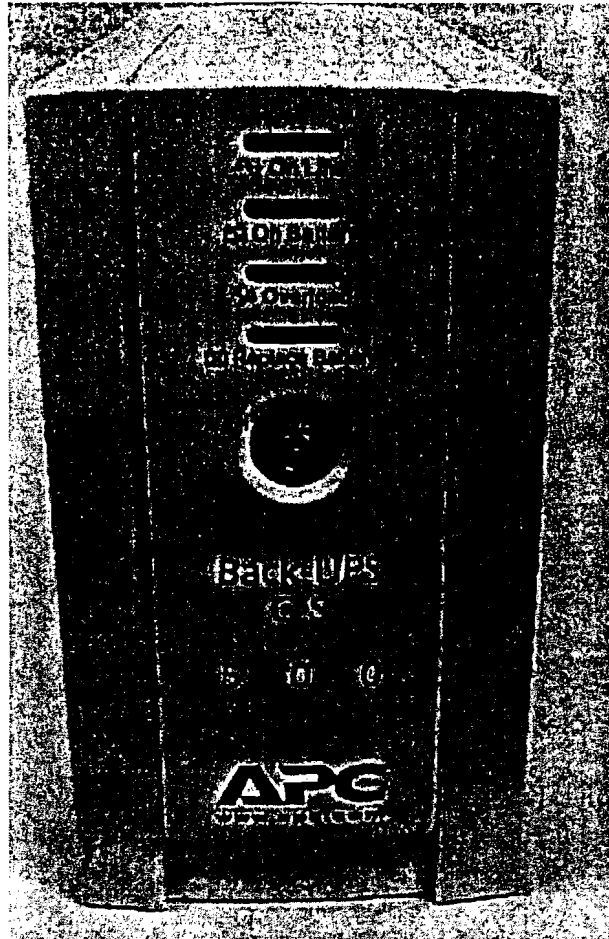
WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), American Power Conversion Corporation (APC), of West Kingston, R.I., is voluntarily recalling about 900,000 back-up power supply devices. These devices are primarily used to protect computers in case of a power failure. The power supply device can fail, causing the unit to overheat, which may pose a fire hazard to consumers.

APC has received six reports of units overheating resulting in the melting of the unit's outer casing and three reports of minor property damage. No injuries have been reported.

The recalled Back-UPS® CS Uninterruptible Power Supply devices include the Back-UPS CS350 and the Back-UPS CS 500 models. The model number can be found on the front of the unit, along with the words, "Back-UPS CS" and "APC." In addition, one of the following numbers shows up on the bar code label located on the bottom of the unit: BK350, BK500, BK500BLK. The recalled power supply devices also have one of the following serial numbers - AB0048 through AB0251, BB0104 through BB0251, and JB0125 through JB0251 - which can be found on the bottom of the unit. Units with an "R" at the end of the serial number within the above ranges are not part of this recall.

Retailers, computer and electrical distributors, and catalogs nationwide sold the power supply devices from November 2000 through December 2002 for between \$70 and \$130.

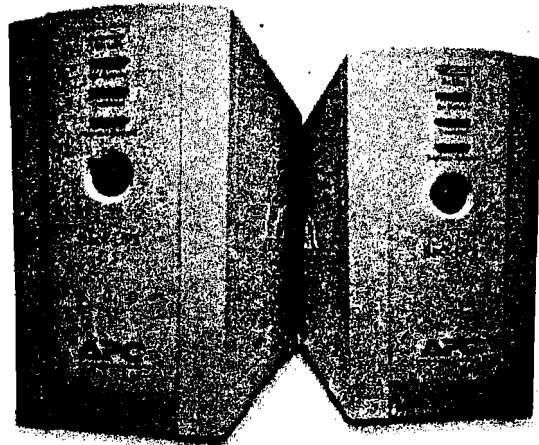
Consumers should immediately stop using the power supply devices by turning off the power to all connected equipment, turning the Back-UPS CS off, and then unplugging it from the electrical outlet. To obtain a free replacement unit, consumers should contact the company at (866) APC-RELY (272-7359) between 9 a.m. and 5 p.m. ET Monday through Friday or log on to the company's website at www.apc.com/rely



Send the link for this page to a friend! The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov/talk.html. Consumers can obtain this release and recall information at CPSC's web site at www.cpsc.gov.

Safety Recall Notice

**APC Uninterruptible Power Supplies
Back-UPS® CS 350 and CS 500**



LABEL LOCATED AT THE BOTTOM OF THE UNIT

Affected Model#: BK 350, BK 500, BK 500BLK
Only units where the first six characters of the serial number fall within the following ranges are affected

AB0048 through AB0251

BB0104 through BB0251

JB0125 through JB0251

Any units with an "R" at the end of the serial number are not part of the recall.

**Potential Overheating and Fire Hazard
Stop using immediately.**

For a free replacement product call APC at:

866-272-7359

(Between 9 a.m. and 5 p.m. EST Monday through Friday)

or visit APC's Web site at **www.apc.com**

post until _____, 2003

In cooperation with the U.S. Consumer Product Safety Commission

APC
Legendary Reliability™

Safety Recall Notice

**APC Uninterruptible Power Supplies
Back-UPS® CS 350 & CS 500**

For a free replacement product call APC at:

866-272-7359

(Between 9 a.m. and 5 p.m. EST Monday through Friday)

or visit APC's web-site at **www.apc.com**

APC
Legendary Reliability™

Dear Partner:

APC has, in voluntary cooperation with the Consumer Products Safety Commission, initiated a recall on the Back-UPS CS 350 and Back-UPS CS 500 models only. Units affected were manufactured between November 20, 2000 and December 20, 2002 and are being recalled because the power supply device can fail, posing a risk of overheating and a potential fire hazard.

~~APC has received six reports of the units overheating in~~ ~~Out of approximately 900,000 units shipped in~~ ~~the United States, APC has received six reports of units overheating, including one report of melting through the~~ ~~unit's outer casing- resulting in a breach of the unit's outer casing.~~ Three of the reported incidents resulted in minor property damage. No injuries have been reported.

The date code can be found in the serial number located on the label on the top of the display box or on the side of the master carton or on the bottom of the unit as shown below. Only units with serial numbers having the first six characters are affected:

AB0048 through AB0251
BB0104 through BB0251
JB0125 through JB0251

Any units with an "R" at the end of the serial number are not part of the recall.



LABEL LOCATED AT THE BOTTOM OF THE UNIT
Affected SKU#: BK350, BK500, BK500BLK
Serial Number :Only units with serial numbers having the first six characters are affected:
AB0048 through AB0251
BB0104 through BB0251
JB0125 through JB0251.
Any units with an "R" at the end of the serial number are not part of the recall.

APC recommends that the user immediately remove the UPS unit from service by turning off all connected equipment, turning the UPS unit off, and then unplugging the unit from the electrical outlet.

To arrange a replacement, logon to your APC Reseller Personal Page. If you do not yet have a Personal Page, log onto the APC main page (at www.apc.com) and click on the reseller section to establish one, then follow the procedures outlined under "Back-UPS CS Transition."

Thank you for your understanding and cooperation.

Aaron Davis

January 22, 2003

Dear XXX
Address

Safety Recall Notice

In cooperation with the U.S. Consumer Product Safety Commission (CPSC) APC, is voluntarily recalling certain uninterruptible power supplies (UPS), manufactured between November 2000 and December 2002. Our records show you purchased one or more of these units

PROBLEM: A possibility exists for overheating and fire, due to an internal component failure.

PRODUCT: Included are models BK350, BK500 and BK500BLK with the first six characters of the serial number in the ranges shown below. Model markings are located on the front of the unit and the serial numbers are located on the bottom of the unit. If an "R" follows your serial number then it is not part of the recall.



LABEL LOCATED AT THE BOTTOM OF THE UNIT

Affected SKU#: BK350, BK500, BK500BLK

Only units where the first six characters of the serial number fall within the following ranges are affected

AB0048 through AB0251

BB0104 through BB0251

JB0125 through JB0251

If an "R" follows the serial number then it is not included in the recall.

WHAT TO DO: Stop using immediately and remove the UPS unit from service by turning off all connected equipment, turning the UPS unit off, and then unplugging the unit from the electrical outlet. To obtain a free replacement consumers can visit APC on the web at www.apc.com/rely or call 800 APC-RELY (800 272-7359).

APC would like to apologize for any inconvenience that this may cause.

Thank you for your support.

Aaron Davis

Vice President Sales and Marketing

"Kramer, Jack

T." To:
"Peter.Wexler@apcc.com" <Peter.Wexler@apcc.com>
<JKramer@cpsc cc:
.gov> Subject: RE: FW: APC

01/09/2003

02:48 PM

Peter,

Public Affairs made some changes to the press release mainly they prefer not to use the term breach the case instead they prefer melted. Please make the same changes on APC's press release. Regarding APC's release the way I read it there were eight cases of the case melting. I don't think that is what you meant. Some questions, the model number are CS 500 and CS 350 however, the label shows BK 500? Attached are the revised CPSC press release and the revised two tier letter. Please give me a call so we can discuss.

Jack

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Thursday, January 09, 2003 1:43 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC

That is our plan

"Kramer, Jack

T." To:

" 'Peter.Wexler@apcc.com' "

<Peter.Wexler@apcc.com>

<JKramer@cpssc

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Subject: RE: FW: APC

01/09/2003

01:39 PM

One more timing issue, when our press release goes the APC web-page needs to be up and running.

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Sent: Thursday, January 09, 2003 1:20 PM

To: JKramer@cpssc.gov

Subject: RE: FW: APC

Jack:

Here are the modified press releases for you review and sign off as well as the revised retail letter and store poster. For each we have used your comments and made some minor changes to ensure that they are factually correct. Please let us know if you have any comments or questions. The web site will be up and we will have picture to you by tomorrow.

(See attached file: CPSC Press Release v11.doc) (See attached file: Retail Letter v11.doc) (See attached file: APC Press Release v11.doc) (See attached file: store poster v11.doc) (See attached file: two tier reseller mailing v11.doc)

Regarding UL approval, they were notified of the change and a request was made to update our construction files on 12/27/02 by our regulatory engineers.

Peter

<http://www.apc.com>

(See attached file: Press Release.doc) (See attached file: two tier reseller mailing v11.doc)

EXCE NEWS RELEASE REVIEW/CLEARANCE

Date: **January 10, 2003**

Case/Recall#: **RP030081**

Type: **Sect15 Recall**

Proposed Release Date: **1/15/03**

Product: **Uninterruptible Power Supply (UPS)** S

For Additional Information Contact: **Jack Kramer (301)504-7604**

BACKGROUND/SUMMARY: Unit can overheat due to power supply failure, potential for fire

The exact text of the proposed release has been negotiated with the firm. Any changes must be conveyed to EXCE for possible renegotiations with this firm.

Products available? Yes No

Photos available? Yes No

| Clearance Office | Signature | Approve | Disapprove | Date | 6(b)6 |
|--------------------|--------------------|---------|------------|---------|-------|
| Comp. Officer/Atty | <i>[Signature]</i> | ✓ | | 1/10/03 | ✓ |
| CE Assoc. Director | <i>[Signature]</i> | ✓ | | 1/10/03 | ✓ |
| EXCE | <i>[Signature]</i> | ✓ | | 1/10/03 | ✓ |
| EXPA | | | | | |
| OGC | | | | | |
| Chairman | | | | | |

OGC should return this form and the attached release to EXPA after it has been reviewed and initialed/signed. The 6(b)6 column indicates clearance is in accordance with CPSC Directive 1450.2 concerning whether the information is accurate and not misleading.

- Hazard Codes Verified: Primary: **104 Fire Hazards/Electrical**
Secondary:
- IMRA and NRF Notification - comments: **n/a**
- Retailers Notified - comments: **will be notified by firm upon release of press release**
- Licensor Notified - comments: **n/a**
- Product Sold in Canada If checked, Health Canada Contacted Yes No
- Toll Free Number called - comments: **working**
- CPSC Hotline Staff Briefed - comments: **no**
- Samples Sent to Field Offices - comments: **no**
- Firm Web Site Operational - comments: **Viewed draft, will activate upon issuance of Press Release**
- Video News Release being issued - comments: **n/a**
- Children's Product, Toy, or Children's Potential Hazard for Web Site Mailing List

News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, D.C. 20207

For Immediate Release
January 14, 2002
Release # 03-068

APC Recall Hotline: (800) 272-7359
CPSC Recall Hotline: (800) 638-2772
CPSC Media Contact: Scott Wolfson
(301) 504-0580 Ext. 1189

CPSC, American Power Conversion Corp. Announce Recall of Back-Up Power Supply Systems

WASHINGTON, D.C. – In cooperation with the U.S. Consumer Product Safety Commission (CPSC), American Power Conversion Corporation. (APC), of West Kingston, R.I., is voluntarily recalling about 900,000 back-up power supply devices. These devices are primarily used to protect computers in case of a power failure. The power supply device can fail, causing the unit to overheat, which may pose a fire hazard to consumers.

APC has received six reports of units overheating resulting in the melting of the unit's outer casing and three reports of minor property damage. No injuries have been reported.

The recalled Back-UPS® CS Uninterruptible Power Supply devices include the Back-UPS CS350 and the Back-UPS CS 500 models in both 120-volt and 230-volt units. The model number can be found on the front of the unit, along with the words, "Back-UPS CS" and "APC." The recalled power supply devices also have one of the following serial numbers – AB0048 ^{through} ~~through~~ AB0251, BB0104 through BB0251, and JB0125 through JB0251 – which can be found on the bottom of the unit. These power supply devices were made in India. Units with an "R" at the end of the serial number within the above ranges are not part of this recall.

Retailers, computer and electrical distributors, and catalogs nationwide sold the power supply devices from November 2000 through December 2002 for between \$70 and \$130.

Consumers should immediately stop using the power supply devices by turning off the power to all connected equipment, turning the Back-UPS CS off, and then unplugging it from the electrical outlet. To obtain a free replacement unit, consumers should contact the company at (800) APC-RELY (272-7359) between 9 a.m. and 5 p.m. ET Monday through Friday or log on to the company's website at www.apc.com/rely.



To see a picture of the recalled product(s) and/or to establish a link from your web site to this press release on CPSC's web site, link to the following address: <http://www.cpsc.gov/cpsc/pub/prerel/prhtml03/03XXX.html>. The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at <http://www.cpsc.gov/talk.html>. Consumers can obtain this release and recall information at CPSC's web site at <http://www.cpsc.gov>.

###

Receive Press Releases by Email: To subscribe to this convenient service, send an email containing your full name, position, organization, mailing address, email address, phone number and fax number to: kdulic@cpsc.gov.

| | |
|---|---|
| Quick Report Technical Analysis DRAFT – FOR OFFICIAL USE ONLY - DRAFT | Number: QR03-73 |
| | Sample: |
| | Firm: American Power Conversion Corp. (APC) |
| | Product: Uninterruptible Power Supply |
| CO: Jack Kramer | |
| <p>General: According to the full report submitted by APC under the provisions of the CPSC's Fast Track recall program, the failure of a voltage regulator or a clamp circuit's field-effect transistor (FET) could result in overheating and burning of the unit's cover. Nine reports have been received of overheating extending beyond the interior of the device. The models affected are the BK350, BK500, BK500BLK, BK350EI and BK500EI.</p> <p>APC's proposed correction is to replace the voltage regulator with a "field-proven" component. For the potential clamp circuit failure, in-line fuses will be added to limit the amount of current that can be drawn into the output voltage transformer.</p> | |
| <p>Product Description: This product is an uninterruptible power supply. The device consists of input voltage surge protection circuitry, a battery with charging circuits, and an inverter to convert the DC battery output into AC power for electrical equipment. A control circuit monitors the input power and automatically switches to battery-generated output power in the event of input power loss. The product is UL-listed, the applicable voluntary standard being UL 1778, <i>Uninterruptible Power Supply Equipment</i>.</p> | |
| <p>Assessment/Conclusion: APC's report showed pictures of several of the failed units. Severe overheating can be seen in the area of the voltage regulator or the clamp circuit FETs. Failures of this sort discharge the battery through the printed circuit board (PCB) in this area. With the board is positioned very near the case, heat generated at the PCB is conducted to an exterior surface. The plastic case is rated V-0 (per UL 94). However, APC showed that the failures led to burning and melting of the case, exposing the hot PCB. One consumer reported that the failure started a fire in his home.</p> <p>For the voltage regulator problem, APC states that the voltage regulator component contains a latent defect. APC proposes to rework the PCB by removing the voltage regulator and installing a daughterboard PCB containing a field-proven regulator.</p> <p>APC's investigation of the failed clamp circuit FET determined that the layout of the PCB was a factor. A voltage regulator or clamp circuit failure would precipitate a failure in the FET that would, in turn, lead to a short-circuit in the UPS' inverter transformer. Excessive current in the windings would lead to overheating. APC proposes to add in-line fuses to disconnect electric power from the transformer in the event of a failed FET.</p> <p>Based on information supplied by APC both the voltage regulator change and the addition of in-line fuses appear to properly address the overheating problems experienced by their products.</p> | |
| Performed by: Randy Butturini, Electrical Engineer | Date: 9 January, 2003 |

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 8:50 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

sounds good I think we can work it out talk to you at 9

-----Original Message-----

From: Peter.Wexler@apcc.com
To: JKramer@cpssc.gov
Cc: Debbie.Grey@apcc.com; Joe.Loberti@apcc.com
Sent: 1/9/03 5:25 PM
Subject: RE: FW: APC

Jack:

We can put melting in the press releases instead of breaching, but will have to work on the wording regarding how it 'melts through". Also, we took out the circuit board fails as that is not correct. Saying the unit fails is more accurate. Perhaps we could speak tomorrow at 9am and put these into final form. I will redraft and send them to you.

Peter,

"Kramer, Jack

T."

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"'Peter.Wexler@apcc.com'" <Peter.Wexler@apcc.com>
<JKramer@cpssc

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Subject:

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think
that is what you meant. Some questions, the model number are CS 500 and
CS
350 however, the label shows BK 500? Attached are the revised CPSC press
release and the revised two tier letter. Please give me a call so we can
discuss.

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Regarding UL approval, they were notified of the change and a request
was
made to update our construction files
on 12/27/02 by our regulatory engineers.

Peter

<http://www.apc.com>

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reseller
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<<Press Release.doc>> <<two tier reseller mailing v11.doc>>

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To: JKramer@cpssc.gov
Subject: RE: FW: APC

Jack:

Here are the modified press releases for you review and sign off as well as the revised retail letter and store poster. For each we have used your comments and made some minor changes to ensure that they are factually correct. Please let us know if you have any comments or questions. The

web site will be up and we will have picture to you by tomorrow.

(See attached file: CPSC Press Release v11.doc) (See attached file: Retail Letter v11.doc) (See attached file: APC Press Release v11.doc) (See attached file: store poster v11.doc) (See attached file: two tier reseller mailing v11.doc)

Regarding UL approval, they were notified of the change and a request was made to update our construction files on 12/27/02 by our regulatory engineers.

Peter

<http://www.apc.com>

(See attached file: Press Release.doc) (See attached file: two tier reseller mailing v11.doc)

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 3:30 PM
To: 'Peter.Wexler@apcc.com'
Subject: Phone Number


Peter

Starting Monday January 13, 2003 CPSC will be getting a new phone system with new phone numbers. You can reach me direct next week at 301.504.7604.

Jack

Kramer, Jack T.

From: Peter.Wexler@apcc.com
Sent: Thursday, January 09, 2003 2:56 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC


Customer Letter
v11.doc

Here is the customer letter as you had changed it with a few minor edits

(See attached file: Customer Letter v11.doc)

"Kramer, Jack

T." To:
"'Peter.Wexler@apcc.com'" <Peter.Wexler@apcc.com>
<JKramer@cpsc cc:
.gov> Subject: RE: FW: APC

01/09/2003

01:49 PM

Is the letter to consumers still coming?

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Thursday, January 09, 2003 1:43 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC

That is our plan

"Kramer, Jack

T." To:

"'Peter.Wexler@apcc.com' "

<Peter.Wexler@apcc.com>

<JKramer@cpssc

cc:

.gov>

Subject: RE: FW: APC

01/09/2003

01:39 PM

One more timing issue, when our press release goes the APC web-page needs to be up and running.

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]

Sent: Thursday, January 09, 2003 1:20 PM

To: JKramer@cpssc.gov

Subject: RE: FW: APC

Jack:

Here are the modified press releases for you review and sign off as well as the revised retail letter and store poster. For each we have used your comments and made some minor changes to ensure that they are factually correct. Please let us know if you have any comments or questions. The web site will be up and we will have picture to you by tomorrow.

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Peter

<http://www.apc.com>

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 2:54 PM
To: 'Peter.Wexler@apcc.com'
Subject: Technical Evaluation

Peter

Engineering Sciences reviewed your proposed product changes, which appear to be adequate.

Jack

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 2:49 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

Press Release.doc vo tier reseller mailing

v11.... Peter,

Public Affairs made some changes to the press release mainly they prefer not to use the term breach the case instead they prefer melted. Please make the same changes on APC's press release. Regarding APC's release the way I read it there were eight cases of the case melting. I don't think that is what you meant. Some questions, the model number are CS 500 and CS 350 however, the label shows BK 500? Attached are the revised CPSC press release and the revised two tier letter. Please give me a call so we can discuss.

Jack

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Thursday, January 09, 2003 1:43 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC

That is our plan

"Kramer, Jack

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01/09/2003

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To: JKramer@cpsc.gov
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CPSC Press Release v11.doc Retail Letter v11.doc APC Press Release v11.doc store poster v11.doc wo tier reseller mailing v11....

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Regarding UL approval, they were notified of the change and a request was made to update our construction files on 12/27/02 by our regulatory engineers.

Peter

<http://www.apc.com>

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 1:50 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

Is the letter to consumers still coming?

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Thursday, January 09, 2003 1:43 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC

That is our plan

"Kramer, Jack

T."
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.gov> Subject: RE: FW: APC

01/09/2003

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From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 1:39 PM
To: 'Peter.Wexler@apcc.com'
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Peter

<http://www.apc.com>

Kramer, Jack T.

From: Peter.Wexler@apcc.com
Sent: Thursday, January 09, 2003 10:04 AM
To: JKramer@cpsc.gov
Cc: Ron.Catanzaro@apcc.com
Subject: RE: FW: APC

Ron:

Can you get a jpg. of the unit.

"Kramer, Jack

T." To:
'Peter.Wexler@apcc.com' <Peter.Wexler@apcc.com>
<JKramer@cpsc cc:
.gov> Subject: RE: FW: APC

01/09/2003

09:35 AM

Peter,

One thing I need is a jpeg photo of the product. The word
version of
the photo will not work with our system

Jack

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Wednesday, January 08, 2003 1:25 PM
To: JKramer@cpsc.gov
Subject: Re: FW: APC

Jack -

Did you get the units?

"Kramer, Jack

T."
"Peter.Wexler@apcc.com"
<Peter.Wexler@apcc.com>
<JKramer@cpsc
.gov>

To:
cc:
Subject: FW: APC

01/08/2003

01:22 PM

Peter,

1st Draft Press Release

Jack

> -----Original Message-----
> From: Wolfson, Scott J.
> Sent: Wednesday, January 08, 2003 1:11 PM
> To: Kramer, Jack T.
> Subject: RE: APC?

> <<apcc.doc>>

>
>
>
>
(See attached file: apcc.doc)

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 9:35 AM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

Importance: High

Peter,

One thing I need is a jpeg photo of the product. The word version of the photo will not work with our system

Jack

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
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.gov> Subject: FW: APC

01/08/2003

01:22 PM

Peter,

1st Draft Press Release

Jack

> -----Original Message-----
> From: Wolfson, Scott J.

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 8:21 AM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

This morning is good

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Thursday, January 09, 2003 8:20 AM
To: JKramer@cpssc.gov
Subject: RE: FW: APC

Jack:

Can we get together today to discuss what you need to sign off.

Peter

"Kramer, Jack
T."
' " <Peter.Wexler@apcc.com>
<JKramer@cpssc
.gov>
To: "Peter.Wexler@apcc.com
cc:
Subject: RE: FW: APC

01/08/2003

08:13 PM

Peter the 14th is possible however, we need to work out several details

jack

-----Original Message-----
From: Peter.Wexler@apcc.com
To: JKramer@cpssc.gov
Sent: 1/8/03 6:36 PM
Subject: RE: FW: APC

Jack:

If possible, we would like to move the timing up to the 14th of January. We would like to set up a call with you for tomorrow to discuss our planning and seek your input. Please let me know what time works for you.

Thank you.

Peter

<http://www.apc.com>

Kramer, Jack T.

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Sent: Thursday, January 09, 2003 8:20 AM
To: JKramer@cpssc.gov
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Thank you.

Peter

<http://www.apc.com>

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Thursday, January 09, 2003 6:48 AM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

Importance: High

Peter,

I see no problem with the 14th provided we can get the specifics in place. You asked about on-line registration here is an example from another recall. <http://www.hp.com/hpinfo/newsroom/recalls.html>

As far as, matching returned units to the individual consumers that is not necessary, we do ask that you can tell us the source i.e. consumer, retailer, distributor, etc.

Best

Jack

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Wednesday, January 08, 2003 6:36 PM
To: JKramer@cpsc.gov
Subject: RE: FW: APC

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Thank you.

Peter

<http://www.apc.com>

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Wednesday, January 08, 2003 8:14 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

Peter the 14th is possible however, we need to work out several details

jack

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To: JKramer@cpssc.gov
Sent: 1/8/03 6:36 PM
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Thank you.

Peter

<http://www.apc.com>

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Wednesday, January 08, 2003 2:53 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: FW: APC

yes

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Wednesday, January 08, 2003 1:25 PM
To: JKramer@cpsc.gov
Subject: Re: FW: APC

Jack -

Did you get the units?

"Kramer, Jack

T." To:
"'Peter.Wexler@apcc.com'" <Peter.Wexler@apcc.com>
<JKramer@cpsc cc:
.gov> Subject: FW: APC

01/08/2003

01:22 PM

Peter,

1st Draft Press Release

Jack

> -----Original Message-----
> From: Wolfson, Scott J.
> Sent: Wednesday, January 08, 2003 1:11 PM
> To: Kramer, Jack T.
> Subject: RE: APC?
>
> <<apcc.doc>>
>
>

Kramer, Jack T.

From: Peter.Wexler@apcc.com
Sent: Tuesday, January 07, 2003 2:49 PM
To: JKramer@cpssc.gov
Subject: RE: Public Notice

We will call you at 3pm. Also, do you a list of other countries recall requirements?

"Kramer, Jack

T." To:
"Peter.Wexler@apcc.com" <Peter.Wexler@apcc.com>
<JKramer@cpssc.gov> cc:
Subject: RE: Public Notice

01/07/2003

02:19 PM

Now is fine or Wednesday morning

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Tuesday, January 07, 2003 2:17 PM
To: JKramer@cpssc.gov
Cc: Joe.Loberti@apcc.com
Subject: Re: Public Notice

Jack,

Please let us know when would be a good time to discuss the suggested changes with you.

Thank you.

Peter

"Kramer, Jack

T."
" 'Peter.Wexler@apcc.com' "
<Peter.Wexler@apcc.com>
<JKramer@cpsc
.gov>

To:
cc:
Subject: Public Notice

01/07/2003

11:12 AM

Peter,

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<<customer recall letter.doc>> <<Retail Letter.doc>>
<<store poster.doc>>
(See attached file: customer recall letter.doc) (See attached file:
Retail
Letter.doc) (See attached file: store poster.doc)

Kramer, Jack T.

From: Peter.Wexler@apcc.com
Sent: Wednesday, January 08, 2003 2:31 PM
To: JKramer@cpsc.gov
Subject: Re: FW: APC Datavalidation

Jack:

As we set up the system for return of units we have some questions. Our systems will track return of units by serial number in the affected ranges.

We assume that this is sufficient. We cannot track by individual end-users

as our business model is primarily through two step distribution and as some customers may have thousands of units (ie a distributor). We will track unit numbers in, and the disposition of the units (re-worded or scrapped) Please confirm that this is acceptable as soon as you can.

Peter

Kramer, Jack T.

From: Peter.Wexler@apcc.com
Sent: Wednesday, January 08, 2003 1:33 PM
To: JKramer@cpsc.gov
Subject: Re: FW: APC



apcc.doc

Jack:

After review of the units returned to us, it is six incidents in the US not seven. The incident on 12/3/02 should not have been classified as the other incidents.

Peter

"Kramer, Jack

T." To:
"Peter.Wexler@apcc.com" <Peter.Wexler@apcc.com>
<JKramer@cpsc cc:
.gov> Subject: FW: APC

01/08/2003

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1st Draft Press Release

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>
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(See attached file: apcc.doc)

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apcc.doc

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"Kramer, Jack

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01/08/2003

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To: 'Peter.Wexler@apcc.com'
Subject: FW: APC

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1st Draft Press Release

Jack

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apcc.doc

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> Subject: RE: APC?
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> <<apcc.doc>>
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(See attached file: apcc.doc)

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Tuesday, January 07, 2003 2:35 PM
To: 'Peter.Wexler@apcc.com'
Subject: RE: Public Notice

3 pm is fine sorry no info on other countries

-----Original Message-----

From: Peter.Wexler@apcc.com [mailto:Peter.Wexler@apcc.com]
Sent: Tuesday, January 07, 2003 2:49 PM
To: JKramer@cpssc.gov
Subject: RE: Public Notice

We will call you at 3pm. Also, do you a list of other countries recall requirements?

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"Peter.Wexler@apcc.com" <Peter.Wexler@apcc.com> <JKramer@cpssc.gov>
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01/07/2003

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01/07/2003

11:12 AM

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(See attached file: customer recall letter.doc) (See attached file:

Retail

Letter.doc) (See attached file: store poster.doc) .

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<JKramer@cpsc cc:
.gov> Subject: Public Notice

01/07/2003

11:12 AM

Peter,

Public Affairs is revising the press release. Attached are revisions to the letter to consumers, retailers and point of purchase poster. Please be sure to include the words "SAFETY RECALL" in large bold letters on the outside of the mailing envelope.

<<customer recall letter.doc>> <<Retail Letter.doc>>
<<store poster.doc>>
(See attached file: customer recall letter.doc)(See attached file:

Retail
Letter.doc) (See attached file: store poster.doc)

Kramer, Jack T.

From: Kramer, Jack T.
Sent: Tuesday, January 07, 2003 11:13 AM
To: 'Peter.Wexler@apcc.com'
Subject: Public Notice

Peter,

Public Affairs is revising the press release. Attached are revisions to the letter to consumers, retailers and point of purchase poster. Please be sure to include the words "SAFETY RECALL" in large bold letters on the outside of the mailing envelope.



customer recall
letter.doc



Retail Letter.doc



store poster.doc

<http://www.apc.com>



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email: jkramer@cpsc.gov

DEC 23 2002

Jack T. Kramer
Compliance Officer
Tel: 301-504-0608, Ext. 1247
Fax: 301-504-0359

Certified Mail/Facsimile 401.788.2766

Peter Wexler
Senior Counsel
American Power Conversion
132 Fairgrounds Road
W. Kingston, RI 02892

Re: CPSC RP030081
American Power Conversion
Uninterruptible Power Supply

Dear Mr. Wexler:

Thank you for your report of December 23, 2002 under section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. § 2064(b). In your report, you identified a potential problem with certain American Power Conversion, Uninterruptible Power Supplies. Specifically, the units can overheat and pose a potential fire hazard.

You also noted that the firm wishes to participate in the Commission's Fast Track Product Recall Program. This program, formerly called the No Preliminary Determination (No PD) Program, is described in the Federal Register of July 24, 1997, and in the enclosed materials. To participate in this program, your firm must initiate an acceptable corrective action plan no later than January 22, 2003, and you must also provide all of the information required to be included in a full report described at 16 C.F.R. § 1115(13)(d). If you have not done so already, we request that you provide a copy of your proposed corrective action plan (CAP), including all draft notice material, as soon as possible, but no later than January 7, 2003. To assure that the staff is able to evaluate the adequacy of the firm's proposed CAP prior to its initiation, please submit the requested full report information along with the proposed CAP.

When the corrective action program begins, the Office of Compliance will monitor the progress of the recall. The staff requests that the firm provide a list of retailers and distributors to whom your firm sold the product. The list should include firm name, address, and, if available,

the number of units shipped to each firm. Please provide the list sorted by postal zip code or state.

Information Disclosure

Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of information submitted under section 15(b) of the CPSA unless a remedial action plan has been accepted in writing, a complaint has been issued, or a firm consents to such release.

If the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3). The Commission may not disclose to the public trade secret information or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission, or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Continuing Obligation

The firm has a continuing obligation to supplement or correct its "Full Report." If, after filing the "Full Report," the firm receives or learns of information concerning other incidents or injuries, or information that affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately.

If you seek assistance or if you have any questions, you may contact me by telephone on (301) 504-0608, extension 1247. For all overnight and/or direct delivery services, please address the material to Office of Compliance, U.S. Consumer Product Safety Commission, Room 613, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0359.

Sincerely,



Jack T. Kramer
Compliance Officer
Recalls and Compliance Division

Enclosure

CPSC Program Information
Recall Checklist

cc: Consumer Product Safety Commission

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Page 3
RP030081

Eastern Regional Center
201 Varick Street
Room 903
New York, New York 10014-4811

401-789-5735 x 2255

2

CASE NUMBER: RP RP030078⁸¹

RECEIVED BY:
DATE: 12/20/02
PRIORITY: X

DIVISION OF CORRECTIVE ACTIONS
SECTION 15 (b) REPORT WORKSHEET

FIRM: American Power
ADDRESS:

PHONE: 401-789-5735 x 2255
FAX: 401-788-2766

CONTACT: Peter Wexler

TITLE:

ADDRESS [IF DIFFERENT FROM ABOVE]:

PHONE:

FAX:

PRODUCT:

NEISS CODE:

BRAND NAME/MODEL NO: BK 500 BK 350

UPC:

RETAIL PRICE: 79-112

CERTIFICATION/STANDARDS INFORMATION:

DEFECT/PROBLEM: unit my short

HOW AND WHEN DISCOVERED:

HAZARD: fire

INJURIES: none

DISCUSSION: [Include any information has at this point regarding extent of problem, testing information, firm's explanation]

ADDITIONAL PRODUCT INFORMATION:

1 ml

TOTAL NUMBER INVOLVED:

~~2 ml~~ ~~1000.00~~

WITH MFR: _____

5

WITH DISTRIBUTORS: _____

WITH RETAILERS: _____

WITH CONSUMERS: _____

DISTRIBUTION: NATIONAL REGIONAL

PRODUCTION/IMPORTATION DATES:

DISTRIBUTION DATES:

CORRECTIVE ACTION PLANNED OR UNDERWAY: [INCLUDE DATES]

INFORMATION RE ANY OTHER FIRMS INVOLVED:

[E.G., IMPORTER, DISTRIBUTOR, RETAILERS, COMPONENT PART SUPPLIER]



RELEASED
CPSC
OFFICE OF COMPLIANCE

03 JAN -6 PM 11: 23

CONFIDENTIAL

January 3, 2002

Jack T. Kramer
Compliance Officer
Recalls and Compliance
United States Consumer Product Safety Commission
4330 East West Highway
Room 613
Bethesda, Maryland 20814

SENT VIA FEDEX

Re: CPSC RP030081, American Power Conversion ("APC") UPS

Dear Mr. Kramer:

Thank you for your letter of December 23, 2002 and the follow-on material that we received on December 30, 2002. In accordance with your letter, please find enclosed a copy of the "Full Report" and proposed corrective action plan ("CAP") as well as draft of notice material including but not limited to, press releases and point of sale posters. In regard to the press releases, we have provided both a draft CPSC press release based on the sample material provided by you and a draft APC press release. The APC press release is subject to change prior to release based on changes in APC's business outlook and regulatory requirements. Additionally, the information contained in Exhibit I of the Full Report is considered to be "near final".

Also, per your request, we have shipped to you twelve (12) APC uninterruptible power supply units that are representative of the following groups:

1. Three (3) have the PB137 regulator.
2. Three (3) have the initial change made to bypass the PB137 regulator
3. Three (3) have a new PCB board layout to remove the PCB regulator.
4. Three (3) units that incorporate all current design fixes eliminating the potential safety hazard that is the subject of the Full Report.

Please consider this letter as notice that APC considers the information supplied to the CPSC to date, as well as the Full Report, its content and this letter to be confidential information

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

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CONFIDENTIAL

Mr. Jack Kramer
January 3, 2002

and entitled to exemption from public
Act [15 U.S.C. 522 (B)] and Section

APC would like to invite
any comments or questions directed

Very truly yours,

Peter Wexler
Senior Counsel
American Power Conversion

CC: Peter Mone - Baker

Perf approach -

7913.

JPP-272 7359

CONTENTS OF FILE
CASE NO. RP030081

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| | |
|--|---|
| TELEPHONE LOG | PSA REQUEST FORMS |
| CASE LOG | PSA RESPONSE FORMS |
| COMPLIANCE OFFICER NOTES TO FILE | INDEPTH INVESTIGATIONS IDI AND IPII REPORTS |
| INITIAL SEC. 15 REPORT FROM FIRM | SAMPLE COLLECTION REPORT |
| INTERIM SEC. 15 REPORT FROM FIRM | CLOSED MEETING MEMORANDUM |
| FULL SEC. 15 REPORT FROM FIRM | VOLUNTARY STANDARD AND TESTING REPORTS |
| CORRESPONDENCE TO COMPLIANCE FROM FIRM | FIRM TESTING REPORTS/DATA |
| FULL REPORT (RP) LETTERS TO FIRM W/GREEN CARD | PROGRESS REVIEW REQUESTS AND REPORTS |
| CASE OPENING (CA) LETTERS TO FIRM W/GREEN CARD | EFFECTIVENESS CHECKS REQUESTS AND REPORTS |
| OTHER CORRESPONDENCE FROM COMPLIANCE TO FIRM | MEMOS TO COMMISSION |
| PRELIMINARY DETERMINATION (PD) FORM | CLOSE OUT LETTER |
| ACCEPT CAP FORM | CASE CLOSE FORM |
| PRESS RELEASE | |
| CAP DOCUMENTS | |

Joell Kramer
COMPLIANCE OFFICER:
Earl Throck
LEGAL DIVISION ATTORNEY
Power Supply
PRODUCT
fire
HAZARD

APC
FIRM

FIRM ADDRESS

CITY, STATE AND ZIP CODE

FIRM WEBSITE ADDRESS

Peter Wexler
CONTACT

CONTACT ADDRESS

CITY, STATE AND ZIP CODE
401-789-5735 x 2255
TEL. NO.
401-789-3710
FAX NO. 74

030388CP-6723

U.S. CONSUMER PRODUCT SAFETY COMMISSION

RPO30081

NOTICE OF INSPECTION

| | |
|----------------------------------|--|
| 1. DATE 5 Apr 03 | 3. FROM (Area Office and Address) CPSC Washington DC |
| 2. TIME 10:30 A.M. _____ P.M. | |

| | |
|-------|--|
| | A. NAME AND TITLE OF INDIVIDUAL Alfredo R. Oliver, Asst. Mgr. |
| | B. FIRM NAME Office Depot Sonia Carrias, Customer Svc Mgr. |
| 4. TO | C. NUMBER AND STREET ADDRESS 1011 Lee Hwy |
| | D. CITY, STATE AND ZIP CODE Falls Church VA 22030 |

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which is exempt from disclosure under the Freedom of Information Act.

75

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

4509 4E22 2734 6054
7000 1670 0013 0100 0291 0002

JACK K

| | |
|---|-----------|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

Postmark
Here

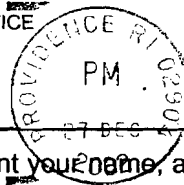
Sent To RPO 3 0081
Street, Apt. No., or PO Box No.
City, State, ZIP+4

PS Form 3800, May 2000

See Reverse for Instructions

76

UNITED STATES POSTAL SERVICE



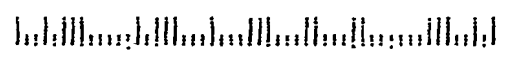
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



THAT MOVES A BOX

• Sender: Please print your name, address, and ZIP+4 in this box •

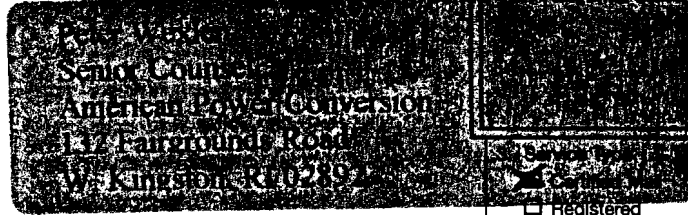
U.S. Consumer Product Safety Commission
Office of Compliance, #613 – Attn: JACK KRAMER
Washington, DC 20207-0001



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
Barbara Knipe 12/27/02

C. Signature
X Barbara Knipe Agent Addressee

D. Is delivery address different from item 1? Yes No

Registered Express Mail
 Insured Mail Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 1670 0013 2734 6054

PS Form 3811, July 1999

Domestic Return Receipt

RP03 0081

102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0013 2735 4295

JK

| | | |
|---|----|------------------|
| Postage | \$ | Postmark Here |
| Certified Fee | | |
| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$ | |

Sent To RP030081
Street, Apt. No., or PO Box No.
City, State, ZIP+4

MC1

024701 Y

| | | | | |
|---|--|---|---|---|
| 1. Task Number 020516CCC1529 | | 2. Investigator's ID 9092 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2002 05 05 | 5. Date Initiated YR MO DAY 2002 05 20 | | |
| 6. Synopsis of Accident or Complaint UPC | | | | |
| <p>While a smoke alarm sounded and the odor of burning plastic filled his single family house a male complainant investigated the cause and discovered one-foot long flames and smoke emitting from a surge protector/battery backup combination unit that had been plugged into a wall receptacle for five months without incident. There were no injuries sustained due to the incident and there was approximately \$2,000.00 in damages.</p> <div style="text-align: right; margin-top: 20px;"> <p>MPD/PRV BK 319/03</p> <p>NO further notice <input checked="" type="checkbox"/> Consumer Complaint <input checked="" type="checkbox"/> Exceptions/Revisions <input checked="" type="checkbox"/> Firm has not requested further notice</p> <p>3/19/03 AP</p> </div> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City WINDHAM | | 9. State ME |
| 10A. First Product 4062 - Electric Wire Or Wiring Syst | | 10B. Trade/Brand Name BACK-UPS SURGE PROTECTOR | | 10C. Model Number BK350 |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 0557 - Computers | | 11B. Trade/Brand Name UNKNOWN | | 11C. Model Number UNKNOWN |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 0 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 2 - Telephone | 19. Time Spent (Operational / Travel) 7 / 0 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Verbal | | | | |
| 24. Review Date 06/12/2002 | 25. Reviewed By 8930 | | 26. Regional Office Director Bruce E. Schwartz | |
| 27. Distribution Lansing, Joseph W.; Kramer, Jack T. | | | 28. Source Document Number H0250063A | |

020516CCC1529

NOTE: The information in this report was obtained from the complainant during telephone conversations on May 21, 2002 and June 6, 2002.

PRE-INCIDENT

The male complainant explained that his home is a 10 year-old wooden framed two story single family home, that the electrical system is original from the time of construction and there have been no modifications, alterations or repairs to the system. He also explained that the electrical system contains a circuit breaker panel box that has functioned without incident and that there have been no problems with any other electric-powered appliances in the house.

The complainant explained that he purchased the surge protector/battery back-up combination unit new from a South Portland, Maine retail firm in early December 2001 for approximately \$100.00. He continued to explain that the unit was kept in its original retail package and stored in his home for three weeks prior to using it.

According to the complainant, the instruction pamphlet provided with the surge protector/battery back-up unit indicated that some assembly was required prior to use. He explained that he followed the directives of the instruction pamphlet, which included connecting a red wire to the internal battery, and plugging the power cord into a wall receptacle for eight hours in order to charge the battery.

The complainant explained that in late December 2001 (a few days after Christmas), he placed the surge protector/battery back-up unit on the uncovered wooden floor of a first story room in his home and plugged it into a 120-volt duplex style wall receptacle. He continued to explain that the product remained plugged in at this location until the date of the incident.

The complainant explained that the only appliances that he connected to the surge protector/battery back-up unit was a personal computer unit (PCU) and a monitor which were plugged into two of the of the three battery back-up outlets located on the rear panel. He continued to explain that he used none of the three surge only outlets located on the rear panel of the unit and that he did not utilize the USB port or the telephone ports of the surge protector/battery back-up unit.

He stated that prior to the incident the surge protector/battery back-up unit functioned well and also that there were no modifications, alterations or repairs made to the product. He explained that there have been no problems with other electric powered appliances in his home.

020516CCC1529

The complainant explained that on the date of the incident, after being away for approximately one hour, at approximately 4:30 PM he returned to his home at which time there were no signs of fire or smoke.

INCIDENT

According to the complainant, on May 5, 2002 at approximately 4:50 PM while investigating the cause of an activated smoke detector and the odor of burning plastic, he discovered one-foot-long flames and smoke emitting from the side panel of a surge protector/battery back-up combination unit.

POST INCIDENT

The complainant explained that he immediately pulled the power cord from the wall outlet to cut electric power, which caused the flames to subside. He then called the fire department by telephone to report the situation. There were no injuries sustained due to the incident.

According to the complainant, prior to the arrival of fire department personnel he removed the surge protector/battery back-up unit from inside of the house to the front yard. He explained that after he reentered the house he discovered that the incident did not cause the circuit breaker to trip. He explained that upon arrival of the fire department personnel they inspected the scene, found no additional hazards, and departed.

The complainant stated that damage sustained due to the incident is valued at an estimated \$2,000 including the cost of new paint, replacing the computer components that were charred during the incident, cleaning and repairing the charred wooden floor, cleaning supplies to remove the smoke odor from the home, etc.

The complainant explained that the day following the incident he contacted the manufacturer by telephone to report the incident and to file a claim for reimbursement of the incident product and collateral damages. He continued to explain that the manufacturer issued him Claim #2037366 EPP #706623 and instructed him to return the incident product to them, which he did on May 23, 2002. He stated that all correspondence with the manufacturer was through telephone conversations except for one email that he sent to them itemizing the damages sustained due to the incident.

The complainant explained that the manufacturer provided him \$1,600.00 to cover the damage sustained by the incident and they also mailed him a new replacement surge protector/battery back-up unit. The complainant stated that he was very pleased with the responsiveness of the manufacturer.

SAMPLE COLLECTED

The consumer shipped the incident product to the manufacturer.

020516CCC1529

PRODUCT IDENTIFICATION

The product is an electric-powered surge protector/ battery back-up combination unit, consisting of what appear to be hardened plastic side and panels, off white in color with a gray colored rear panel, consisting of three battery back-up outlets, three surge only outlets, a USB cable jack and two telephone jacks. The letters "A P C" are molded into each of the unit's side panels. The unit measures approximately 6.5 inches high, 3.5-inches wide and 12-inches long, and weighs approximately 12 pounds. Information regarding additional labeling is not available.

The product was manufactured by: American Power Conversion, 132 Fairground Road, P.O. Box 278, West Kingston, RI 02892. The manufacturer's customer service telephone number is 1-800-800-4272.

According to the complainant the product is labeled as model BK350, Serial Number AD0115241578.

The incident product was purchased at Staples, 4143 Weston Avenue, South Portland, Maine, 04106.

PRODUCT STANDARDS

The standards for this product remain unknown.

ATTACHMENTS

EXHIBIT 1 Photographs Figures 1.1-1.5
(The complainant provided these photographs)

EXHIBIT 2 Windham Fire Department Incident Report

A request has been made with the complainant to sign and return a CPSC Authorization to Release Name form, which will be forwarded as an addendum to this report upon receipt.

020516CCC1529



Figure 1.1 Side view of incident product showing location from where fire and smoke was emitted.

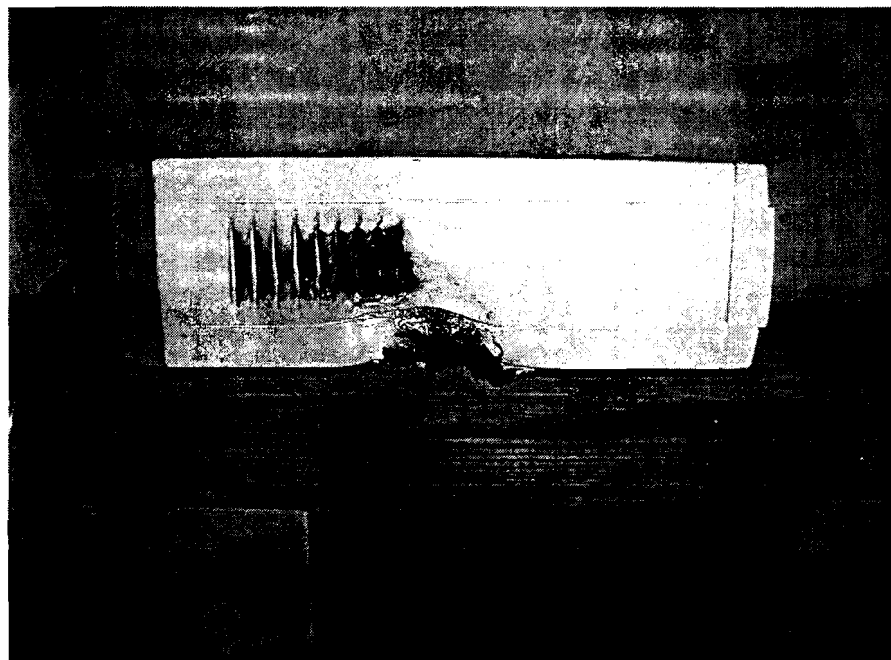


Figure 1.2 View of top panel of incident unit.

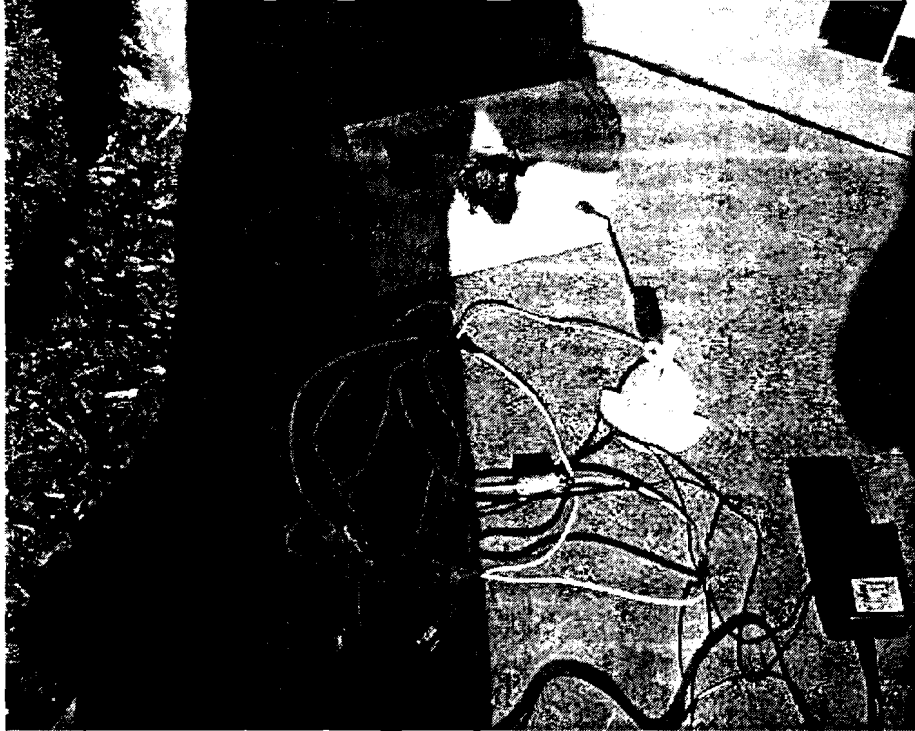


Figure 1.3 View of incident unit with computer components that complainant claims were charred during the fire.

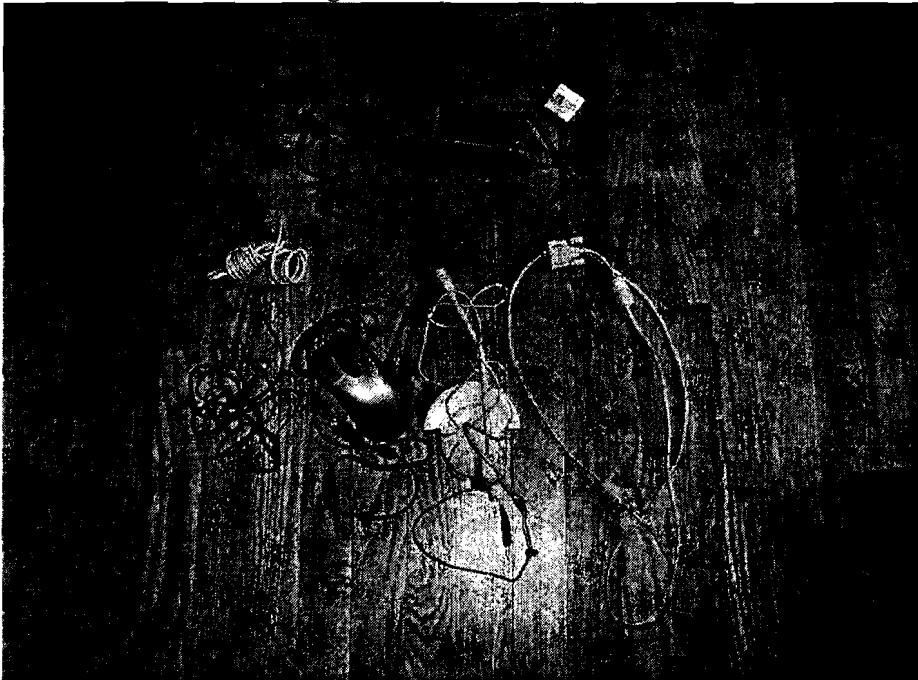


Figure 1.4 View of computer components that complainant claims were charred by fire during the incident.

020516CCC1529

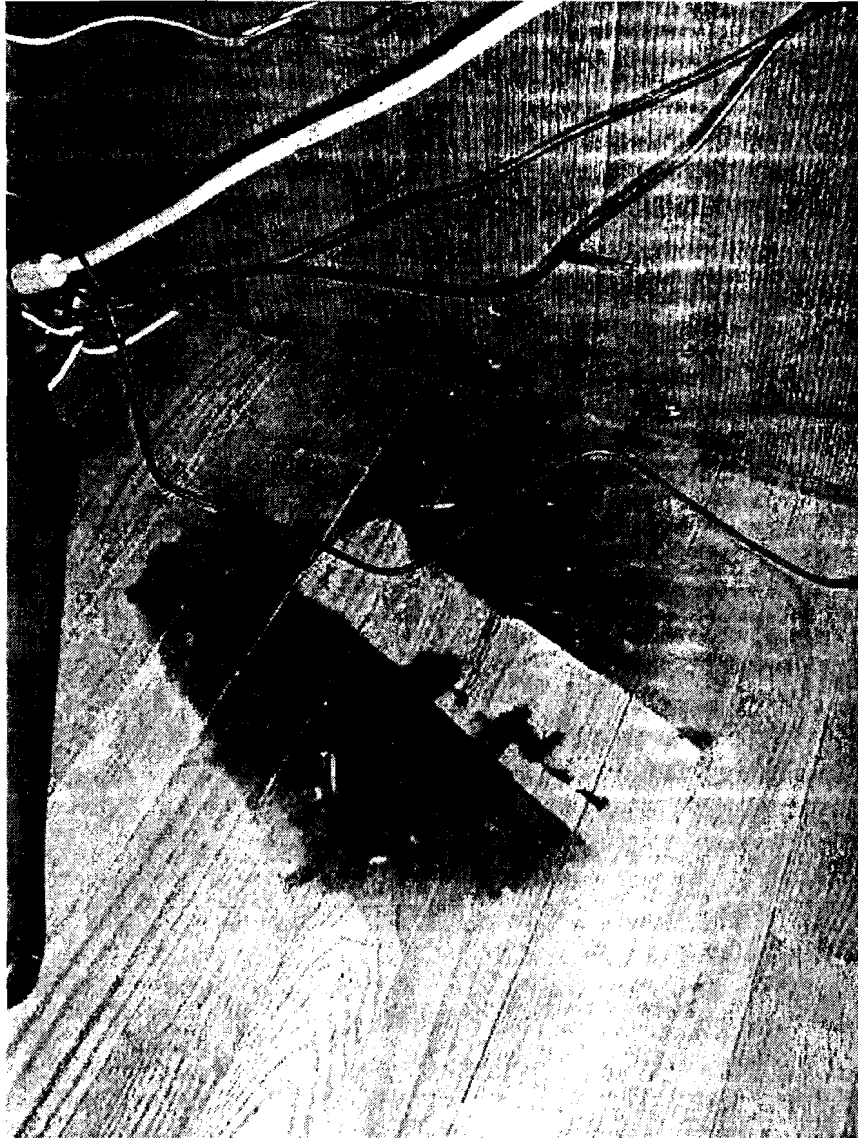


Figure 1.5 View of charred wooden floor showing outline of incident product.

ASSIGNMENT # 020516 CCC 1529

Windham Fire Rescue Dept.

| | | | | | | | | |
|----------|-------|-------|---------------|---------|-----------------|----------|--------------------------------------|--------------------------|
| A | C5180 | ME | 05/05/2002 | 04 | 0000683 | 000 | <input type="checkbox"/> Delete | NFIRS-1 Basic |
| | FDID | State | Incident Date | Station | Incident Number | Exposure | <input type="checkbox"/> Change | |
| | | | | | | | <input type="checkbox"/> No Activity | |

| | | | | | |
|-------------------------------------|----------------|---|---------------|--------------|------------|
| B | Location | [REDACTED] | | Census Tract | [REDACTED] |
| <input checked="" type="checkbox"/> | Street Address | 7 | HERITAGE | LANE | |
| <input type="checkbox"/> | Intersection | Number | Prefix Street | Type | Suffix |
| <input type="checkbox"/> | In front of | | Windham | ME | 04062 |
| <input type="checkbox"/> | Rear of | Apt/Suite | City | State | Zip Code |
| <input type="checkbox"/> | Adjacent to | | | | |
| <input type="checkbox"/> | Directions | Cross Street or Directions, as applicable | | | |

| | | | |
|-----------|---|--------------------|-------------------------------|
| C | Incident Type | 440 | Electrical wiring/equipment p |
| D | Aid Given or Received | Their FDID | |
| 1 | <input type="checkbox"/> Received | Their State | |
| 2 | <input type="checkbox"/> Automatic Rec'vd | 0000000 | |
| 3 | <input type="checkbox"/> Given | Their Incident | |
| 4 | <input type="checkbox"/> Automatic Given | | |
| 5 | <input type="checkbox"/> Other Aid Given | | |
| N | <input checked="" type="checkbox"/> None | | |
| E1 | Dates & Times | | |
| | Alarm | Mon. Day Year Time | 05/05/02 16:56 |
| | Arrival | 05/05/02 | 17:00 |
| | Control | 00/00/00 | 00:00 |
| | Last Unit Clear | 05/05/02 | 17:25 |
| E2 | Shifts / Alarms | D 1 04 | Shift Alarms Dist. |
| E3 | Special Studies | ID# | Value |

| | | | | | |
|----------|-----------------------------|-------------|-----------|--------------------|---|
| F | Actions Taken | G1 | Resources | G2 | Dollar Loss & Values |
| 86 | [REDACTED] | Apparatus | Personnel | LOSSES: | NONE |
| | Primary Action Taken (1) | Suppression | 2 8 | Property | 0 <input checked="" type="checkbox"/> |
| 45 | [REDACTED] | EMS | 0 0 | Contents | 0 <input checked="" type="checkbox"/> |
| | Additional Action Taken (2) | Other | 2 5 | PRE-INCIDENT VALUE | |
| | Additional Action Taken (3) | | | Property | 0 <input checked="" type="checkbox"/> |
| | | | | Contents | 0 <input checked="" type="checkbox"/> |

| | | | |
|--------------------------|------------------------------------|---|--|
| Completed Modules | H1 | H3 | I |
| [REDACTED] | Casualties | Hazmat Release | Mixed Use Property |
| [REDACTED] | Deaths Inj. | N <input checked="" type="checkbox"/> None | NN <input type="checkbox"/> Not Mixed |
| [REDACTED] | Fire Service 0 0 | 1 <input type="checkbox"/> Natural Gas | 10 <input type="checkbox"/> Assembly Use |
| [REDACTED] | Civilian 0 0 | 2 <input type="checkbox"/> Propane Gas | 20 <input type="checkbox"/> Education Use |
| [REDACTED] | | 3 <input type="checkbox"/> Gasoline | 33 <input type="checkbox"/> Medical Use |
| [REDACTED] | H2 | 4 <input type="checkbox"/> Kerosene | 40 <input checked="" type="checkbox"/> Residential Use |
| [REDACTED] | Detector | 5 <input type="checkbox"/> Diesel Fuel/Fuel Oil | 51 <input type="checkbox"/> Row of Stores |
| [REDACTED] | Alerted Occupants | 6 <input type="checkbox"/> Household Solvents | 53 <input type="checkbox"/> Enclosed Mail |
| [REDACTED] | 1 <input type="checkbox"/> Yes | 7 <input type="checkbox"/> Motor Oil | 58 <input type="checkbox"/> Business & Resid. |
| [REDACTED] | 2 <input type="checkbox"/> No | 8 <input type="checkbox"/> Paint | 59 <input type="checkbox"/> Office Use |
| [REDACTED] | U <input type="checkbox"/> Unknown | 0 <input type="checkbox"/> Other | 60 <input type="checkbox"/> Industrial Use |
| [REDACTED] | | | 63 <input type="checkbox"/> Military Use |
| [REDACTED] | | | 65 <input type="checkbox"/> Farm Use |
| [REDACTED] | | | 00 <input type="checkbox"/> Other Mixed Use |

| | | | | |
|-----------------------|--------------|----------|--------------|------------------------|
| 1st Company to Arrive | Print Test 1 | J | Property Use | 419 |
| E-7 | Print Test 2 | | | 1 or 2 family dwelling |

Windham Fire Rescue Dept.

05/05/2002

0000683

0

K1 Person / Entity Involved (000) 892-5301

Business name (if applicable) _____ Phone _____

MR TIMOTHY JACQUES

Mr. Ms. Mrs. First Name MI Last Name Suffix

7 HERITAGE LANE

Number Prefix Street or Highway Street Type Suffix

Windham

Post Office Box Apt./Suite/Room City

ME 04062

State Zip

K2 Owner Business name (if applicable) _____ Phone _____

Mr. Ms. Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip

L Remarks

COMPUTER BATTERY BACK UP SYSTEM BURNED UP CREATING SMOKE CONDITIONS IN THE RESIDENCE. THE WIRING BURNED UP. BOUGHT THIS YEAR -MAKE IS APC FCC REGISTRATION #1XHU5A-25571-XP-N. OWNER REPORTED THAT THE CIRCUIT BREAKER DID NOT TRIP.

ESTIMATED VALUE AROUND \$2,000.

M Authorization

| | | | | |
|------------------------|-------------------------------------|-------------------|-------------------|-------------------|
| <u>0517</u> | <input checked="" type="checkbox"/> | <u>Lieutenant</u> | <u>Suppressio</u> | <u>05/05/2002</u> |
| Officer in charge ID | | Position or Rank | Assignment | Date |
| <u>0036</u> | <input checked="" type="checkbox"/> | <u>Chief</u> | <u>Admin</u> | <u>05/09/2002</u> |
| Member Making Report | | Position or Rank | Assignment | Date |
| <u>Aaron Bridges</u> | | | | |
| <u>Charles Hammond</u> | | | | |

7/24



July 23, 2002

SENT VIA FEDEX

Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

Re: 020516CCC1529

Dear Ms. DeTemple:

We appreciate having received your letter dated July 1, 2002 and the epidemiological investigation report under Task No. 020516CCC1529. In that report, you referenced an incident involving an American Power Conversion BK350, Serial No. AD0115241578, Back-UPS unit, which the individual who reported the incident had purchased and had used without incident from December 2001 until the date of the safety critical incident, May 5, 2002.

We have conducted an examination of the unit and have also reviewed our records regarding both functional failures and safety critical failures relating to this product line. We have determined that over 650,000 BK350 and BK500 units of this design were sold worldwide during the time period of approximately January 2001 through December 2001 with approximately 280,000 of the aforementioned number being sold in the United States. To date, we have only received two other notifications of a safety critical failure, one in the United States and one in the Philippines.

Up to this point in time, our investigation has led us to conclude that a third party manufactured voltage regulator (part number PB137ACV) used in the products, as a battery charger, contained a latent defect which might cause the product to functionally fail and in rare instances may, it appears, result in the type of safety critical incident referred to in the attachments to your letter of July 1, 2002. Although we have worked hard at duplicating this failure mode in our labs, we have been unable to replicate that type of safety critical failure during our in-house examination and testing of the product. Moreover, we are unaware of any reports or claims that any of the subject units have caused any injuries to persons.

Approximately thirteen months ago, when it was determined that some units experienced functional failures (the unit would shut down and not work) we, in cooperation with the manufacturer of the voltage regulator, investigated the problem. At our request, the manufacturer

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

Ms. Ann DeTemple
July 23, 2002



attempted to remedy the latent defect by changing its manufacturing production process. However, after subsequent review and testing, we made the determination to redesign the printed circuit board of the units so as to eliminate the use of the PB137ACV voltage regulator in its entirety.

In light of the above disclosures, do you feel that we have a situation where the product creates a substantial product hazard or creates an unreasonable risk of death or serious injury? We would appreciate hearing from you in that regard as obviously our paramount desire is to ensure that our consumers are dealing with a product which will not cause personal injury to them.

We thank you very much for having brought this incident to our attention and look forward to hearing from you as to whether the Commission needs further information from us.

Very truly yours,



Peter Wexler
Senior Counsel
American Power Conversion Corporation



5/26

August 23, 2002

Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

Re: 020516CCC1529

Dear Ms. DeTemple:

This letter follows up our letter to you dated July 23, 2002 (a copy of which is enclosed) responding to your letter to American Power Conversion Corporation dated July 1, 2002.

We want to confirm that you received our previous letter and we still await your advice as to whether you feel that we have a situation where the product creates a substantial product hazard or creates an unreasonable risk of death or serious injury?

Very truly yours,

Peter Wexler
Senior Counsel
American Power Conversion Corporation

8/29/02 Copy to Marc Sheen for handling.

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July 23, 2002

Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

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Re: 020516CCC1529

Dear Ms. DeTemple:

We appreciate having received your letter dated July 1, 2002 and the epidemiological investigation report under Task No. 020516CCC1529. In that report, you referenced an incident involving an American Power Conversion BK350, Serial No. AD0115241578, Back-UPS unit, which the individual who reported the incident had purchased and had used without incident from December 2001 until the date of the safety critical incident, May 5, 2002.

We have conducted an examination of the unit and have also reviewed our records regarding both functional failures and safety critical failures relating to this product line. We have determined that over 650,000 BK350 and BK500 units of this design were sold worldwide during the time period of approximately January 2001 through December 2001 with approximately 280,000 of the aforementioned number being sold in the United States. To date, we have only received two other notifications of a safety critical failure, one in the United States and one in the Philippines.

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Ms. Ann DeTemple
July 23, 2002



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In light of the above disclosures, do you feel that we have a situation where the product creates a substantial product hazard or creates an unreasonable risk of death or serious injury? We would appreciate hearing from you in that regard as obviously our paramount desire is to ensure that our consumers are dealing with a product which will not cause personal injury to them.

We thank you very much for having brought this incident to our attention and look forward to hearing from you as to whether the Commission needs further information from us.

Very truly yours,



Peter Waxler
Senior Counsel
American Power Conversion Corporation



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Pamela McDonald
Technical Information Specialist
National Injury Information Clearinghouse
Directorate for Epidemiology

Tel: (301) 504-0424, x1324
Fax: (301) 504-0124
Email: pmcdonald@cpsc.gov

August 29, 2002

Mr. Peter Wexler
Senior Counsel
American Power Conversion Corporation
P.O. Box 278
132 Fairgrounds Road
West Kingston, RI 02892

Dear Mr. Wexler:

Thank you for your follow-up to your July 23, 2002 letter. We have hand carried a copy of both of your letters of July 23, 2002 and August 23, 2002 to the Office of Compliance for a reply. You will be hearing from them directly concerning this matter.

If you have any questions concerning any of the information or if we can be of further assistance, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Pamela McDonald".

Pamela McDonald
Technical Information Specialist



October 3, 2002

Pamela McDonald
Technical Information Specialist
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

Re: 020516CCCC1529

Dear Ms. McDonald:

This letter follows up your letter dated August 29, 2002 in which you indicated that a representative of the Office of Compliance would contact us.

To date, we have not been contacted and still await your advice.

Very truly yours,

Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation

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132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

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MODE = MEMORY TRANSMISSION

START=OCT-07 09:44

END=OCT-07 09:45

FILE NO. = 196

| NO. | COM | ABBR/NTWK | STATION NAME/ TELEPHONE NO. | PAGES | PRG. NO. | PROGRAM NAME |
|-----|-----|-----------|--------------------------------|---------|----------|--------------|
| 001 | OK | * | 914017893710 | 002/002 | | |

***** - ***** - *****

US Consumer Product Safety Commission

4330 East West Highway
Bethesda, Maryland 20814

Fax: (301) 504-0025

Fax: (301) 504-0124

Fax Transmittal

| | |
|--------|-------------------------------|
| To: | Peter Weyel |
| Fax #: | (401) 789-3710 |
| From: | Pam McDonald |
| Phone: | (301) 504-0424 |
| Date: | 10/7/02 |
| RE: | 020516CCC1529 |
| Pages: | 2, including this cover sheet |

Comments:

Please contact Mr Marc Schoem
directly at 301-504-0608 x1365
Concerning your request

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

| | | | |
|--------------------------------------|--|-------------------------------------|------------------------------|
| 1. NAME OF RESPONDENT Tim Jacques | | 2. PHONE NO. (HOME) 207-892-5301 | (WORK) none |
| 3. STREET ADDRESS 7 Heritage Lane | | 4. CITY Windham | ST ME ZIPCODE 04062 |

4a. EMAIL ADDRESS: cpsc

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES

Surge protector had been plugged in for several months when consumer smelled something burning and heard the smoke detector's
- cont -

| | | |
|--------------------------------------|---|--|
| 6. DATE OF INCIDENT(S) 05/05/2002 | 7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 0 Y/M AND DESCRIBE INJURY none | 8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self |
|--------------------------------------|---|--|

| | |
|---|-----------------------|
| 9. DESCRIPTION OF PRODUCT back up for a computer/surge protector | 10. BRAND NAME APC |
|---|-----------------------|

| | | |
|---|--|--|
| 11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE American Power Conversion 132 Fairground Rd. P.O Box 278 West Kingston, RI 02892 800-800-4272 unknown 00000 | ISSUE 32 05/07/2002 | 12. MODEL, SERIAL NUMBERS BK350 S# AD0115241578 |
| | | 13. DEALER'S NAME, ADDRESS & PHONE Staples unknown S. Portland, ME 00000 unknknown |

| | |
|---|--|
| 14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: damaged: see narrative | 15. PRODUCT PURCHASED NEW DATE PURCHASED 1/2002 AGE 5 M |
| 16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: none | |

| | | |
|--|---|---|
| 17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM? | 18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION | 19. MAY WE USE YOUR NAME WITH THIS REPORT? YES |
|--|---|---|

FOR ADMINISTRATION USE

| | | |
|---------------------------------|---|-------------------------------|
| 20. DATE RECEIVED 05/06/2002 | 21. RECEIVED BY (NAME & OFFICE) mks/HL | 22. DOCUMENT NO. H0250063A |
|---------------------------------|---|-------------------------------|

| | |
|----------------------|-----------------------------|
| 23. FOLLOW-UP ACTION | 24. PRODUCT CODE(S) 4062 |
|----------------------|-----------------------------|

| | |
|------------------|---|
| 25. DISTRIBUTION | 26. ENDORSER'S NAME & TITLE mks 05/06/2002 |
|------------------|---|

H0250063A

Narrative Continued

siren. After looking around consumer noticed that the surge protector had exploded and caught fire. Consumer called emergency services and the Windham Fire Department responded to the call (Report # not given).

Fire marshall noticed that the surge protector's circuit breaker did not trip. A computer and monitor had been plugged into the surge protector (no further information).

Consumer is concerned that the backup/surge protector is defective and poses a fire hazard. Consumer is also concerned that burning plastic from the surge protector poses an inhalation hazard.

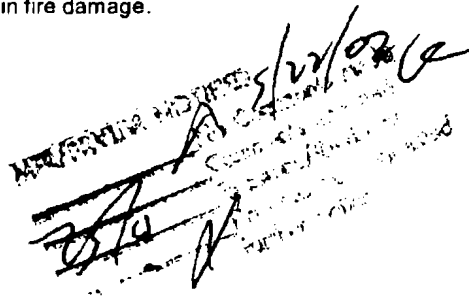
Property damage estimate is \$3,000 USD

Unit's UL listed # unknown

Distributor Phone #:

CPSC Source: CPSC

0203

| | | | | |
|---|--|--|---|---|
| 1. Task Number 010626CCC1697 | | 2. Investigator's ID 9062 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2001 06 06 | 5. Date Initiated YR MO DAY 2001 06 28 | | |
| 6. Synopsis of Accident or Complaint UPC | | | | |
| <p>There were no injuries when the consumer's battery back up/surge suppressor ignited. The consumer extinguished the fire with his jacket. He believes there was approximately \$500.00 in fire damage.</p> <div style="text-align: right; margin-top: 20px;">  </div> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City WENDELL | | 9. State MA |
| 10A. First Product 4062 - Electric Wire Or Wiring Syst | | 10B. Trade/Brand Name SURGE SUPPRESSORS | | 10C. Model Number BACK-UPS-500 |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 685 - Extension Cords | | 11B. Trade/Brand Name EXTENSION CORDS | | 11C. Model Number 10 AMP |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 51 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 2 - Telephone | 19. Time Spent (Operational / Travel) 9 / 0 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 08/09/2001 | 25. Reviewed By 8930 | | 26. Regional Office Director Bruce E. Schwartz | |
| 27. Distribution Kramer, Jack T.; Lansing, Joseph W.; Schwartz, Bruce E. | | | 28. Source Document Number H0160246A | |

Per J. Kramer, an exemplar was not purchased for this investigation. Although the model presently sold at retailers appears to be the same as the complainant's model, the internal components may be different, therefore an exemplar would not aid this investigation.

PRE-INCIDENT

The complainant, a 51-year-old male, purchased the battery backup/surge suppressor new in March of 1999, from an office store in New Jersey. The consumer's home is not complete, and he lives partially in the house and partially in a motor home situated next to the house. The surge suppressor system was installed in a 7' by 10' spare bedroom in the house. The consumer had several items plugged into the suppressor: Computer, monitor, printer, radio, phone/answering machine, clock radio and a speaker system.

The surge suppressor is plugged into a 10 amp extension cord. The consumer modified the extension cord by adding two outlets to it. He uses the second outlet to plug in power tools. The length and manufacturer of the extension cord are unknown.

The complainant was using his computer on the morning of 6 June 2001. He was hungry, and went to the motor home to make something to eat. Before leaving the room, he turned the computer off, using the computers on/off switch. When he left the house, the radio, the phone/answering machine, the clock radio and the speaker system remained on. He does not turn the suppressor off.

INCIDENT

Approximately 20 minutes after turning the computer off, the consumer smelled an electrical burning-type odor. He went back into the house and found smoke and a 1 foot high flame coming from the surge suppressor.

POST-INCIDENT

The complainant had saxophone glue stored next to the suppressor, and the glue ignited in the incident. The consumer used his jacket to smother the flames. He stated that the on/off switch was the most badly damaged area on the surge suppressor. He believes the fire started in this area. There were no injuries in the incident, but the consumer stated that he did not feel well after the incident.

The complainant contacted the suppressor manufacturer by phone (exact date unknown). He spoke with a customer service representative. The representative requested the consumer return his unit to the firm, so they could examine it. He was very surprised when he received a new unit from the manufacturer the following day. His unit had a two year warranty, and the warranty had expired three months prior to the incident. The consumer packaged his suppressor for its return to the manufacturer, leaving the battery inside.

The consumer phoned CPSC to report the incident. The CPSC representative requested information about the unit, the complainant removed the unit from the packaging. At this time, the unit ignited again. The consumer then removed the battery from the unit before shipping it back to the manufacturer. The complainant was interviewed for this report in early July 2001.

The consumer has been using the replacement unit. He stated that the replacement surge suppressor has been functioning normally. The new unit appears to be identical (on the outside) to the old unit.

The consumer requested that his name not be release with the report. An Authorization for Release of Name Form was sent to the consumer, but it has not yet been received.

SAMPLE COLLECTED

The sample was returned to the manufacturer and not available for collection.

PRODUCT IDENTIFICATION

The product is a battery backup surge suppressor manufactured by: American Power Conversion, 132 Fairground Road, West Kingston, RI 02892
The consumer purchased the suppressor at: Staples, Route 1, New Brunswick, NJ

The product is a surge suppressor and battery back up unit. It is called an uninterruptible power supply (UPS). It has three electrical outlets in it: Two of the outlets are power outage protectors, and the third is just surge suppressed. The unit has a "phone in" and "phone out" outlet protect the phone line. The unit states in part, "****APC****BACK-UPS-500****."

PRODUCT STANDARDS

This product is marked as UL Listed 42C2, E95463. Manufacturer website states that unit is UL and CSA approved.

ATTACHMENTS

Exhibit 1 – Page from Staples Catalog with Photograph of Unit

Exhibit 2 – Information Regarding UPS Unit from Manufacturer Web Page

Backup Systems


Desktop Protection

- ✓ Battery Backup saves your data and hardware from dangerous brownouts, spikes, surges, lightning and other power problems
- ✓ User-replaceable batteries give you a renewable system that keeps protecting your equipment and data year after year without expensive factory service
- ✓ 2-year mfr. limited product warranty and \$25,000 lifetime equipment protection policy provide even more peace of mind about saving data and avoiding hardware loss

EVERYDAY LOW PRICE

94⁹⁹

300 VA UPS




APC

EVERYDAY LOW PRICE

136⁹⁹

500 VA UPS




APC

EVERYDAY LOW PRICE

199⁹⁹

650 VA UPS



APC

| Staples # | Model # | Watts/VA | Runtime | Battery/Surge | Surge | Software | Catalog |
|-----------|---------|----------|---------------|---------------|-------|--------------|---------|
| 353658-33 | BK300C | 200/300 | 10-15 Minutes | 2 | N/A | N/A | 94.99 |
| 353757-33 | BK500MC | 330/500 | 15-20 Minutes | 2 | Tel | Data Savings | 136.99 |
| 043572-33 | BK650MC | 400/650 | 30-35 Minutes | 3 | Tel | Data Savings | 199.99 |

Exhibit 1.1 Copy of Staples Catalog Page with Photograph of Unit
IDI #010626CCC1697

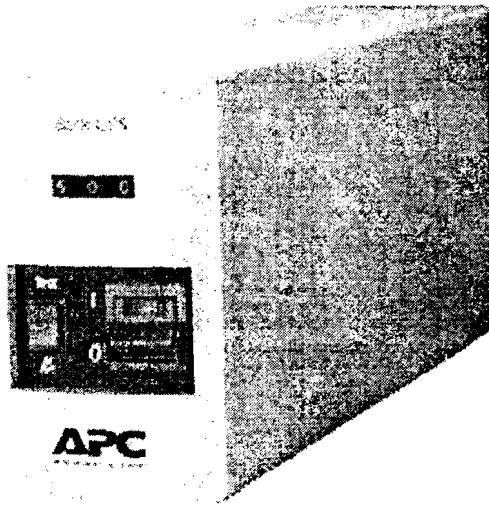


Exhibit 1.2 Close Up of Unit
IDI #010626CCC1697

010626001697

Exhibit 2



Legendary Reliability™

United States

SHOP APC VIEW CART LOG IN

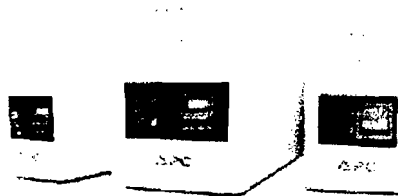
SEARCH SITE MAP CONTACT CHANGE COUNTRY

HOME SUPPORT SERVICES SELECTORS

Products >> UPS >> Back-UPS

Product Information

- Model Information
- Features & Benefits
- Product Enhancements
- Service Programs
- Runtime Chart
- Product Literature (.pdf)
- Press Releases
- Customer References



Back-UPS®

Reliable power protection for office and home office computers

The effects of power problems include keyboard lockup, complete data loss, hardware degradation, damaged motherboards, and more, making downtime inevitable. An APC Back-UPS instantly switches your computer to emergency battery backup power and allows you to work through brief power outages or to shut down your system in the event of an extended outage. High-performance surge suppression protects your computer from electrical noise and damaging power surges - even lightning.

Features & Benefits

Protection

- Uninterruptible Power** Protects your data by supplying battery backup when power fails.
- Lightning and Surge Protection** Shields hardware from damage.
- Easy Overload Recovery** Push-button circuit breaker instead of a standard fuse, eliminates the need to return the unit to the factory for service.
- Multipath Protection** With dedicated outlets for computer, monitor and peripherals everything is safe from the threat of bad power.
- Internet Ready: Protection for Fax/Modem Connection** Protects internal and external modems, your motherboard and other system components with fax/modem line surge protection. (APC Back-UPS 500 and APC Back-UPS 650 models only)

Performance

- User-renewable UPS System** With normal use, a UPS battery will last three to six years. APC's renewable UPS system eliminates the need for factory service and loss of protection by letting you replace batteries for a fraction of the cost of a new UPS.
- Surge-only outlets** Are always on for convenience
- BlockSafe™ Outlets/Cord Extensions** Accommodate even the largest transformer blocks without covering other outlets.
- Option Switches** Allow you to customize transfer voltage and alarm settings for your specific needs.
- PowerChute® plus for** Software is available for some Back-UPS models. Refer to the

Back-UPS management software section of the technical spec, requests for detailed information by part number.

Diagnostics

Site Wiring Fault Indicator Immediately warns you of wiring problems like improper grounds that could cause shocks or prevent the UPS from adequately suppressing surges. (120V units only)

Audible Alarms Actively let you know if the unit is on battery, if the battery is low, or if there is an overload condition.

Warranty & Approvals

APC "Best in Class" Longest Runtime Guarantee APC Back-UPS will provide runtime which meets or exceeds that of any same VA UPS for desktop PC applications or your money back ([click here for details](#)).

\$25,000 Lifetime Equipment Protection - Even Covers Lightning! APC is the only manufacturer that guarantees its products will protect your properly connected equipment from lightning strikes for life. Should surge damage occur, APC will repair or replace up to \$25,000 of your equipment (valid in US and Canada, [click here for details](#)).

Two-Year Comprehensive Product Warranty All APC UPS products come with a comprehensive two-year warranty which covers all parts and labor, even those we don't make ourselves, like the battery.

Industry Approvals UL & CSA approvals mean a safe, reliable solution to power problems.

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[Home](#) | [Products](#) | [Support](#) | [Services](#) | [Selectors](#)
[Shop APC](#) | [Contact](#) | [Search](#) | [Site Map](#)

[Privacy Policy](#)

Back-UPS Back-UPS 350, BK350J, BK350 Back-UPS 500, BK500JS, BK500 Back-UPS 300, BK300 Back-UPS 500, BK500M Back-UPS 650, BK650M, BK650 Back-UPS 300, BK300MI, BK300 Back-UPS 500, BK500IACH Back-UPS 500, BK500MI Back-UPS 650, BK650MI, BK650

STATUS OF MISSING DOCUMENT

The purpose of this record is to notify the reader that the following document(s), which is/are missing from this report, will not be collected.

1. Authorization for Release of Name form from the consumer
2. _____
3. _____

The investigator indicates in the report that he/she requested a copy of the above listed document(s), but the document(s) was/were not yet available when the investigation report was completed. The investigator intended to forward the document(s) for attachment to this report when the requested material was obtained.

The investigator has made numerous attempts, since the original request, to collect a copy of the requested document(s) but has not been successful. Because of the problems associated with the collection of this material and our limited investigation resources, no additional efforts will be made to collect the missing document(s).

We apologize for any inconvenience the missing data may cause you.

Date: October 5, 2001

Investigator No.: 9062

Regional Office: FOER

Supervisor No.: 8930



Ann De Temple
Director, National Injury
Information Clearinghouse
Consumer Products Safety Commission
Washington, D.C. 20207

March 7, 2002

RE: 010626CCC16N7

VIA FEDEX

Dear Ms. De Temple:

Thank you for your letter dated January 31, 2002 regarding an incident allegedly involving one of our products. To date and to the best of our knowledge, our claims department has not been notified of any claim or complaint by the individuals involved. Therefore, we cannot comment until we are notified of the existence and nature of the incident by the persons involved and provided further information with which to conduct an analysis.

American Power Conversion Corporation takes the design and manufacture of its products extremely seriously. We appreciate the Consumer Products Safety Commission contacting us regarding this matter. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,

Peter Wexler
Senior Counsel

American Power Conversion Corporation
PO Box 218 Tel: 401 789 5735
132 Fairgrounds Road Fax: 401 789 3710
West Kingston, RI 02892 Visit: www.apcc.com

APC is an equal opportunity employer. We are an ISO 9002 certified
APC quality system # 903402 certified

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

| | | |
|---------------------------------------|-------------------------------------|------------------------------|
| 1. NAME OF RESPONDENT Robert Roper | 2. PHONE NO. (HOME) 978-544-8480 | (WORK) same |
| 3. STREET ADDRESS P.O. Box 873 | 4. CITY Wendell | ST MA ZIPCODE 01379 |

4a. EMAIL ADDRESS: broper99@prodogy.net

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES

The product is used as a back up power provider for a computer.
The power suppressor was plugged into an heavy duty extension
- cont -

| | | |
|--------------------------------------|---|--|
| 6. DATE OF INCIDENT(S) 06/06/2001 | 7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 0 Y/N AND DESCRIBE INJURY none | 8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME none RELATIONSHIP none |
|--------------------------------------|---|--|

| | |
|---|--------------------------|
| 9. DESCRIPTION OF PRODUCT electric uninterruptible power suppler; surge suppressor | 10. BRAND NAME A.P.C. |
|---|--------------------------|

| | | |
|--|--|--|
| 11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE American Power Conversion 132 Fairground Rd. West Kingston, RH 02892 800-800-4272 unknown | 12. MODEL, SERIAL NUMBERS M# BACK-UPS-500 | 13. DEALER'S NAME, ADDRESS & PHONE Staples Route 1 New Brunswick, NJ 00000 unknown |
|--|--|--|

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06/18/2001

| | |
|---|---|
| 14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: damaged: see narrative | 15. PRODUCT PURCHASED NEW DATE PURCHASED 3/1999 AGE 2 yr.2mos |
| | 16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown |

| | | |
|--|---|--|
| 17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM? | 18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION | 19. MAY WE USE YOUR NAME WITH THIS REPORT? NO |
|--|---|--|

FOR ADMINISTRATION USE

| | | |
|---------------------------------|---|-------------------------------|
| 20. DATE RECEIVED 06/15/2001 | 21. RECEIVED BY (NAME & OFFICE) nar/HL | 22. DOCUMENT NO. H0160246A |
| 23. FOLLOW-UP ACTION | | 24. PRODUCT CODE(S) 0557 |
| 25. DISTRIBUTION | 26. ENDORSER'S NAME & TITLE nar 06/15/2001 | |

H0160246A

Narrative Continued

cord. Plugged into the same extension cord were an alarm clock radio, computer, boom box, speaker system, printer, phone, computer answering system, 41 watt light bulb and a clock. The only items turned on at he time of the incident were the computer's answering machine along with clock radio. The power suppressor is on continuously.

Consumer turned on computer to set up a program, but decided to turn it back off. 20 minutes later, while consumer was outside his home, he smelled an electrical burning type odor. Consumer rushed back inside and saw smoke along with 1' high flames coming from the surge suppressor. Consumer extinguished flames by smothering them with his jacket. The circuit breaker was tripped and there was no need to cut off the power to the unit.

6/2001 Consumer called and explained incident to manufacturer's rep. (name unknown) who asked consumer to send the surge suppressor back to manufacturer for testing. Rep. then offered to send new, identical replacement unit; consumer accepted offer.

Consumer received new unit. Consumer then packaged the old one to be sent back to manufacturer along with its battery.

While taking this report from consumer the packaged unit caught fire while consumer tried to read the UL listing number.

Unit's UL listing number is 42C2, E95463.

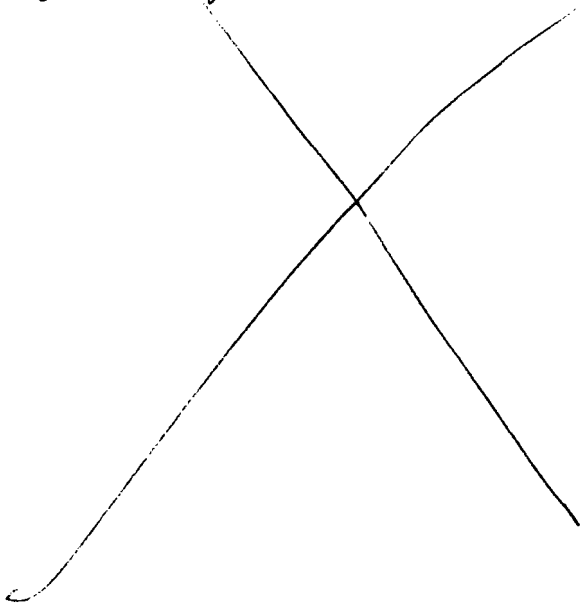
There was and estimated \$500 in damage due to the fire.

Distributor Phone #:

CPSC Source: DIRECTORY ASSIS.

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

~~Damage~~ Fire appeared to have started in off-on (main power) switch, the most damaged area. Switch was completely destroyed.



I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Robert L. Ryan
Signature

6/27/01
Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

| | | | | |
|---|---|---|---|---|
| 1. Task Number 030710CCN0706 | | 2. Investigator's ID WI | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 830 | 4. Date of Accident YR MO DAY 2003 06 02 | 5. Date Initiated YR MO DAY 2003 07 10 | | |
| 6. Synopsis of Accident or Complaint UPC | | | | |
| <p>The complainant decided to test his year-and-a-half-old uninterruptible power supply (UPS) device for his computer. When he unplugged the unit from the wall outlet, he found the UPS was not working as there was no battery back up and no power to the computer. The complainant unplugged the computer from the UPS and when he plugged the UPS back into the wall outlet, it started to smoke. The consumer immediately unplugged the UPS and prevented any injury or damage.</p> <div style="text-align: right; margin-top: 20px;"> <p>MPR/PRV/BR NOTIFIED <i>PC 8/17/04</i></p> <p>COMMENTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input checked="" type="checkbox"/> ATTACHED</p> <p><input type="checkbox"/> EXCISIONS/FOIA Exs. _____ <input type="checkbox"/> Revisions _____</p> <p><input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY</p> </div> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City MIDDLETON | | 9. State WI |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name APC | | 10C. Model Number BE350C |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 45 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 2.5 / 2.5 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number 038305727 |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 08/11/2003 | 25. Reviewed By 9068 | | 26. Regional Office Director Eric B. Ault | |
| 27. Distribution Moro, Robert E.; Poole, Georgia F. | | | 28. Source Document Number I0370121A | |

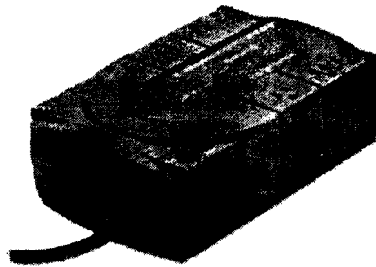
IDI 030710CCN0706

SUMMARY

The complainant decided to test his year-and-a-half-old uninterruptible power supply (UPS) device for his computer. When he unplugged the unit from the wall outlet, he found the UPS was not working as there was no battery back up and no power to the computer. The complainant unplugged the computer from the UPS and when he plugged the UPS back into the wall outlet, it started to smoke. The consumer immediately unplugged the UPS and prevented any injury or damage.

PRE-INCIDENT

On November 23, 2003 the complainant purchased an APC uninterruptible power supply, Battery Backup 350VA, Model BE350c from Circuit City in Madison, WI for approximately \$60.00. Following and attached as Exhibit "A" is a picture of this device.



The complainant was familiar with these devices, as he has used them in the past. However, he read the owner's manual prior to use. Attached as Exhibit "B" is a copy of the owner's manual for the UPS.

The complainant first plugged the UPS device into an outlet. He then plugged in a Gateway PS-100 computer system with monitor into the device along with a Panasonic answering machine, model KXTC1890B. The battery back up function of the device was not used much during the six months prior to the incident. The complainant used the computer on average one hour a month. The complainant noted that his house had been equipped with a whole house surge protector, reducing the probability of surges to any outlets in the house during a storm.

INCIDENT

Sometime in the last week of May or first week of June 2003 the complainant decided to hook up his laptop computer, a Toshiba 610 C-T, to the device and disconnected his Gateway computer. He then decided that he wanted to test out the backup function of the APC Back-Up UPS system. In addition to the Toshiba computer, he had his answering machine plugged into the unit as well. He first unplugged the unit from the outlet. He then checked his computer and saw that all power was cut from the laptop unit. This should not have happened if the back-up system was

working. He disconnected his answering machine and computer from the unit. He then plugged the unit back into the outlet, with nothing connected to it.

Within seconds, the complainant noticed a smell of burning plastic and saw that the UPS unit was smoking from the plugs. He believes the smoke was coming from the middle or innermost plugs on the unit. The complainant then unplugged the unit from the outlet and the smoke stopped. He monitored it for a few minutes, and saw that no fire had started and discontinued use.

POST-INCIDENT

On June 3, 2003 he contacted APC by telephone and spoke with a Renee in Tech Support. He explained what happened and she said that she would send a replacement. This tech representative stated that the product could have become defective if hit by a surge during a storm. The complainant told her this was unlikely, as his house was equipped with a whole house surge protector.

On July 8, 2003 the complainant contacted the Middleton Fire Department to see if they could evaluate the fire hazard of the product. The fire department responded that they could not evaluate the product and referred him to the U.S. Consumer Product Safety Commission (CPSC). On this same date, the complainant went on the Internet, found the website for CPSC and filed a complaint, which has prompted this follow up investigation.

This investigator contacted the complainant on July 10, 2003 and set up an on-site interview for July 16th. At the interview, the complainant advised that he had called APC again to see if he could turn the product over to CPSC and spoke with Todd, a supervisor in Tech Support. The supervisor told him that APC would prefer to get the product back to analyze and solve any problems, but if he wanted to turn it over to CPSC that was fine. This investigator collected the UPS from the complainant and later forwarded it to the Warehouse pending further review by Compliance.

PRODUCT IDENTIFICATION

The uninterruptible power supply is an APC Back-UPS ES Series Battery Backup 350VA 200 Watts, and Model BE350c. The UPS is charcoal gray in color with red and white lettering on the front. The front of the UPS has three, 3-pronged plug outlets on both sides. The UPS was manufactured by:

**American Power Conversion
132 Fairgrounds Road
West Kingston, RI 02892
(401)789-5735.**

Labeling

On the front of the power supply is silver lettering which reads:

**Battery Backup plus (lighting bolt symbol) Surge Protection
Back-UPS ES
350
(lighting bolt symbol) Surge Protection**

APC (in red lettering)
www.apc.com (in silver lettering)

On the lower left corner on front of power supply:

Power On, with an indicator light and button.

On back side of power supply, molded into plastic:

APC
www.apc.com

**Output model 350: 120V~, 2.9A, 60Hz, 200W
Output model 500: 120V~, 4.2A, 60Hz, 300W
Total Output Current: 12A**

**FCC Tested to comply with FCC Standards including Parts 15 & 68
FCC Reg. No. 1XHUSA-25571-XP-N
Ringer Equivalence: 0.0**

**C UL®
Listed 42C2
E95463**

CAUTION:

**Risk of electrical shock, do not remove cover.
No user serviceable parts inside. Refer servicing to qualified service personnel. For use in
a controlled environment. Refer to manual for environmental conditions.**

NOTICE:

**The output of this device is not sinusoidal. It has a total harmonic distortion of 45% and a
maximum single harmonic of 35%.**

White label/sticker on the back of the power supply:

Made in Philippines (Laguna)

Barcode

BE350C

Barcode

NB0138310452

On back cover molded into plastic:

**Contains sealed lead acid battery.
Must be recycled or disposed of properly.**

On back cover, on battery cover in silver lettering:

REMOVE SCREW TO ACCESS BATTERY

The black power cord has a 3-pronged plug. The lettering on the cord is as follows:

**(UL) SJT E94024 AWG16X3C VW-1 105(degree symbol)C CHUNG KWANG
CSA TYPE SJT LL65965 AWG16X3C 105(degree symbol)C FT2 544001**

WARNINGS

Warnings & Cautions listed in the Important Safety Instructions of the owner's manual:

Electrical Safety

CAUTION: To reduce the risk of fire, connect only to a circuit provided with a 20 Amp maximum branch circuit overcurrent protection in accordance with the National Electrical Code ANSI/NFPA. Equipment must be connected to a grounded outlet. The equipment must be connected to a socket outlet that is in close proximity to the unit and is easily accessible.

CAUTION! Deenergizing Safety

If the equipment has an internal energy source (the battery), the output may be energized when the unit is not connected to an AC power outlet.

To deenergize pluggable equipment: first press the Off button for more than one second to switch the equipment off. Next disconnect the equipment from the AC power outlet.

Finally, disconnect the battery.

To deenergize permanently wired equipment: set the power switch to standby. Next set the AC circuit breaker to standby. Then disconnect the batteries (including any expansion units). Finally, disconnect the AC power from the building power supply.

Pluggable equipment includes a protective earth conductor which carries the leakage current from the load devices (computer equipment). Total leakage current must not exceed 3.5 mA.

Use of this equipment in life support applications where failure of this equipment can reasonably be expected to cause the failure of the life support equipment or to significantly effect its safety or effectiveness is not recommended.

WARNING! Battery Safety

This equipment contains potentially hazardous voltages. Do not attempt to disassemble the unit. The only exception is for equipment containing batteries. Battery replacement using the procedures below is permissible. Except for the battery, the unit contains no user serviceable parts. Repairs are performed only by factory trained service personnel.

CAUTION: Do not dispose of batteries in a fire. The batteries may explode.

CAUTION: Do not open or mutilate batteries. They contain an electrolyte which is toxic and harmful to the skin and eyes.

CAUTION: To avoid personal injury due to energy hazard, remove wrist watches and jewelry such as rings when replacing the batteries. Use tools with insulated handles.

CAUTION: Replace batteries with the same number and type of batteries as originally installed in the equipment.

APPLICABLE STANDARDS

It is unknown if the manufacturer claims this product is in conformance with any voluntary industry standards that might apply to such products. However, printed on the unit is the following information:

**C UL®
Listed 42C2
E95463**

ATTACHMENTS

Exhibit "A" – Picture of the UPS device

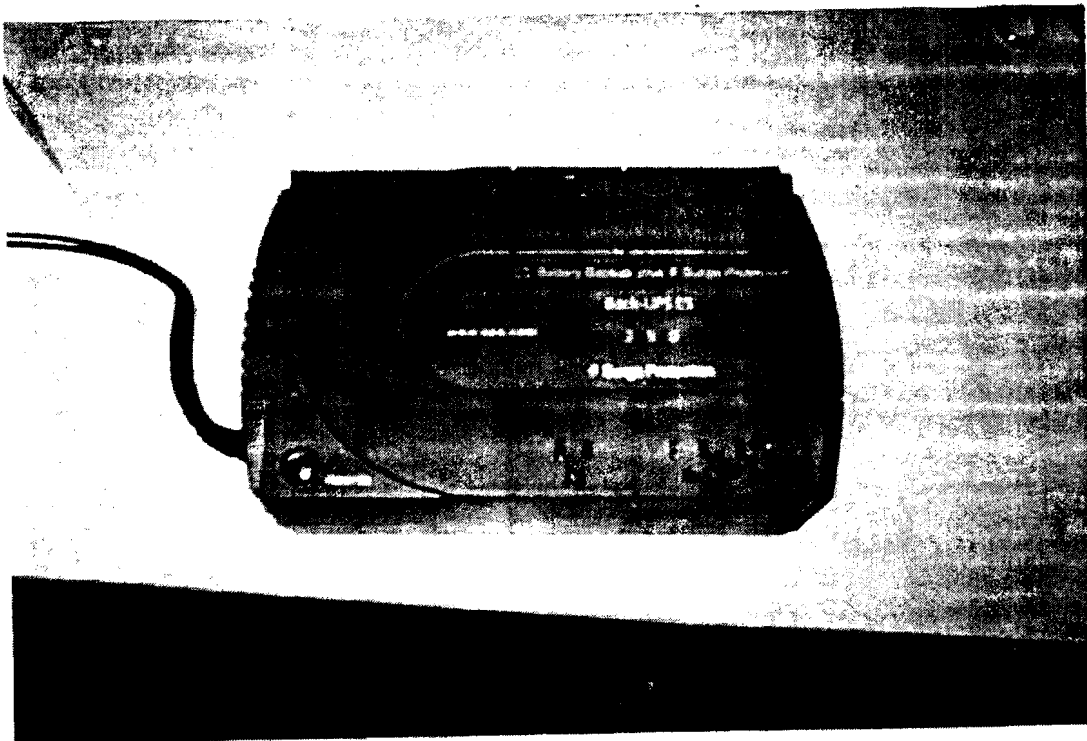
Exhibit "B" - Owners Manual / Safety Instructions

Exhibit "C" – Receipt for Sample

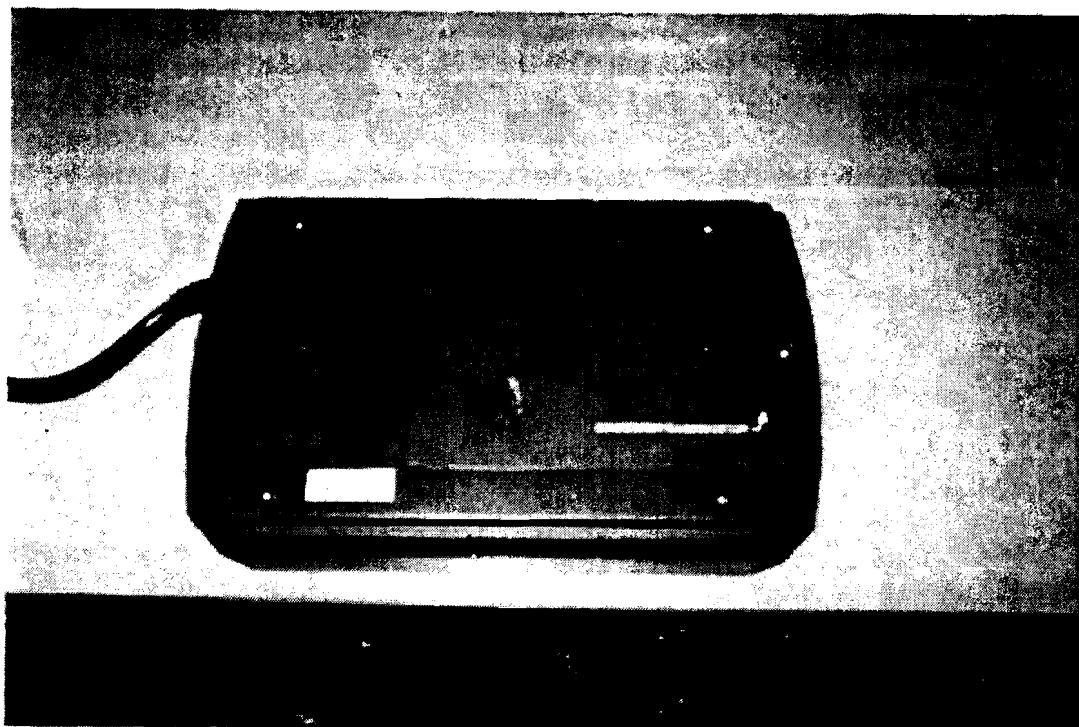
Exhibit "D" – Sample Collection Report - #03-830-5727

Exhibit "E" - Authorization to Release Name form

Exhibit "F" – Contact List



IDI 030710CCN0706 - Exhibit "A"
APC Back-UPS ES Series
Battery Backup 350VA
200 Watts, Model BE350c



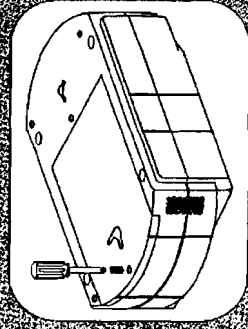
APC
www.apc.com

Back-UPS ES 350/500
User's Guide

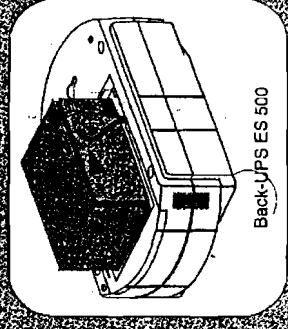
1 Connect Battery

The Back-UPS ES ships with one battery. To install a second battery, follow the steps below. The Back-UPS ES 350 has one battery compartment. The Back-UPS ES 500 has two battery compartments. The Back-UPS ES 350 and 500 have a battery compartment cover that is attached to the back of the unit. The Back-UPS ES 350 and 500 have a battery compartment cover that is attached to the back of the unit.

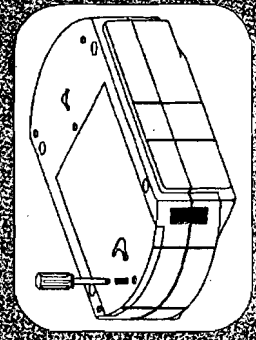
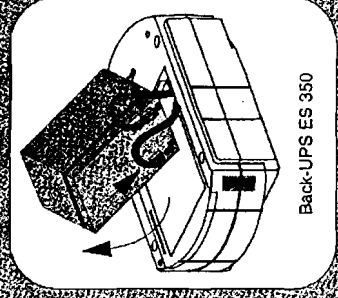
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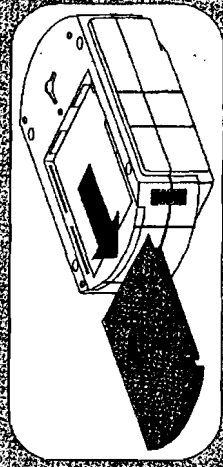
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2



2 Connect Equipment

1. Connect the equipment to the Back-UPS ES.

2. Connect the Back-UPS ES to the equipment.

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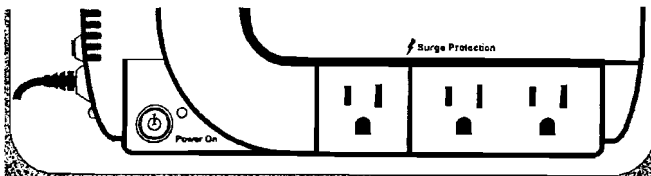
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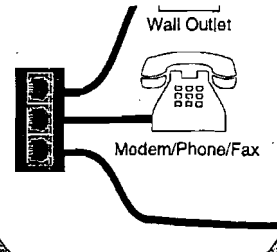
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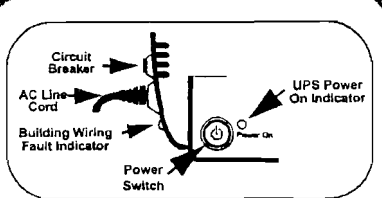
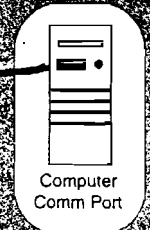


Surge Protection

These outlets provide full-time protection from surges even if the Back-UPS ES is switched OFF. Plug your printer, fax, machine, scanner, or other peripherals that do not need battery power into these outlets.



Connect the cable in the Back-UPS ES. The Back-UPS ES connects the utility and battery power to the Computer Port of your computer. The software will automatically configure the Back-UPS ES to protect your computer.



3

Power On and Install Software

Press the ON/OFF switch to power the unit ON.

Install the Back-UPS ES software. The software will automatically configure the Back-UPS ES to protect your computer. The software will also install the Back-UPS ES drivers. The software will also install the Back-UPS ES drivers. The software will also install the Back-UPS ES drivers.

Plug the AC Line Cord into the power outlet. Plug the AC Line Cord into the power outlet. Plug the AC Line Cord into the power outlet.

Plug the PowerChute Plus software. Plug the PowerChute Plus software. Plug the PowerChute Plus software.

Status Indications

The Back-UPS ES indicates operating status using a combination of visual and audible indicators.

| Status | Visual Indications | Audible Indication | Alarm Terminates When |
|---|--------------------------------------|--------------------------------------|---|
| On Line - UPS is supplying conditioned utility power to the load | Power On LED - ON | None | n/a |
| On Battery - UPS is supplying battery power to the load connected to the Battery outlets | Power On LED - ON (off during beep) | Beeping 4 times every 30 seconds | UPS transfers back to On Line operation, or when UPS is turned off. |
| Low Battery Warning - UPS is supplying battery power to the load connected to the Battery outlets and the battery is near exhaustion | Power On LED - Flashing | Rapid beeping (one second intervals) | UPS transfers back to On Line operation, or when UPS is turned off. |
| Replace Battery - Battery needs to be checked and/or replaced, or battery is not connected | Power On LED - Flashing | Constant tone | UPS turned off with the power switch. |
| Overload Shutdown - During On Battery operation a battery power hazard outlet overload was detected. | Power On LED - OFF | Constant tone | UPS turned off with the power switch. |
| Sleep Mode - During On Battery operation the battery power has been completely exhausted and the UPS is waiting for utility power to return to normal. | Power On LED - OFF | Beeping once every 4 seconds | UPS transfers back to On Line operation, or when UPS is turned off. |
| Building Wiring Fault - Your building wiring presents a shock hazard that should be corrected by a licensed electrician. | Building Wiring Fault LED (red) - ON | None | UPS is unplugged, or plugged into a properly wired outlet. |

See the Troubleshooting section for additional assistance.

Troubleshooting

Use the table below to solve minor Back-UPS ES installation or operation problems. Consult APC Online Technical Support or call APC Technical Support for assistance with problems that cannot be resolved using the table below:

| Problem | Probable Cause | Solution |
|---|---|---|
| Back-UPS ES will not turn on. | Battery is disconnected and utility power is not available at the wall outlet. | Connect the battery (see <i>Connect Battery</i>) and ensure power is available at the wall outlet. |
| No power available at the Surge Protection outlets. | Surge Protection outlets have been overloaded. Utility power not available at the wall outlet. | Reduce the amount of equipment plugged into Surge Protection outlets. Ensure that the fuse or circuit breaker for the outlet is not tripped, and that the wall switch controlling the outlet (if any) is in the ON position. |
| Connected equipment loses power. | Equipment is connected to the Surge Protection outlets. The Back-UPS ES is overloaded. PowerMite plus software has performed a shutdown due to a power failure. The Back-UPS ES has exhausted its available battery power. Connected equipment does not accept the step approximate sine wave from the Back-UPS ES. The Back-UPS ES may require service. | Ensure that the equipment you want to stay powered during a power failure is plugged into the Battery Backup plus Surge Protection outlets, not the Surge Protection outlets. Make sure that the equipment plugged into the outlets of the unit are not overloading the capacity of the unit. If removing some of the equipment and see if the problem continues. The Back-UPS ES is operating normally. The Back-UPS ES can only operate on battery power for a limited amount of time. The unit will eventually turn off when the available battery power has been used. Allow the unit to recharge for 24 hours before continuing use of the unit. The output waveform is designed for computers and computer-related equipment. It is not designed for use with motor-type equipment. Contact APC Technical Support for further troubleshooting. |
| The On Line indicator is lit and the Back-UPS ES is beeping four times every 30 seconds. | The Back-UPS ES is using battery. | The Back-UPS ES is operating normally and using battery power. Once On Battery, you should save your current work, power down your equipment, and turn the unit OFF. Once normal power is restored, you may turn the unit back ON and power your equipment. |
| The On Line indicator flashes once per second after the Back-UPS ES beeps once per second at the same time. | Battery capacity is low, about 2 minutes of use remaining. | The Back-UPS ES is about to shut off due to a low battery charge condition. When the unit beeps once every second, the battery has about 2 minutes of power remaining. Immediately power down your computer and turn the unit OFF. When normal power returns, the unit will recharge the battery. |
| Building Wiring Fault indicator is lit. | Your building wiring presents a shock hazard. Using the Back-UPS with this condition will void the warranty. | Call a qualified electrician for service. |
| Beeping Pattern: | The battery is not fully charged. Battery is near the end of useful life. | Allow the unit to charge by leaving it plugged into the wall at least 16 hours. As a battery ages, the amount of runtime available will decrease. You can replace the battery by ordering one at www.apc.com . Batteries also age prematurely if the Back-UPS ES is placed near a Geovault heat pump. |

Specifications

| Model | BE350C | BE500C |
|---------|-------------------|-------------------|
| Voltage | 120 V rms Nominal | 120 V rms Nominal |

Order Replacement Battery

Replace with an APC qualified battery. Replacement batteries can be ordered from www.apc.com (valid credit card required). Have your Back-UPS ES model number available when ordering. Your model number can be found on the bottom of the unit.

| | | | |
|-----------------------|-----------------------------|---|----------------------|
| Output | UPS Capacity (3 outlets) | 350 VA / 200 W | 500 VA / 300 W |
| | Surge Capacity (6 outlets) | 12 Amps (including UPS output) | |
| | Voltage On Battery | 115 Vrms \pm 8% (step-approximated sine wave) | |
| | Frequency - On Battery | 60 Hz \pm 1 Hz | |
| | Transfer Time | 5 ms typical, 8 ms maximum | |
| Protection and Filter | AC Surge Protection | Full time, 375 joules | |
| | Telephone Surge Protection | Single line (2-wire) | |
| | EMI/RFI Filter | Full time | |
| | AC Input | Resettable circuit breaker | |
| Battery | Type | Sealed, maintenance-free lead acid | |
| | Average Life | 2 - 4 years depending on the number of discharge cycles and environmental temperature | |
| Physical | Net Weight | 9.20 lb. (4.18 kg.) | 13.25 lb. (6.02 kg.) |
| | Size | 3.3" (H) x 10.9" (W) x 6.9" (D) (8.382 x 27.686 x 17.526 cm) | |
| | Operating Temperature | +32°F to 104°F (0°C to 40°C) | |
| | Storage Temperature | +5°F to 113°F (-15°C to 45°C) | |
| | Operating Relative Humidity | 0 to 95% non-condensing | |
| | Operating Elevation | 0 to 10,000 ft (3 to 3,000m) | |
| Safety/Regulatory | Safety Approvals | UL 1778 listed, cUL certified per CSA standard C22.2 No. 107.1 | |
| | EMC Compliance | FCC part 68, FCC part 15 Class B Notice: This device complies with part 15 of the FCC rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) This device must accept any interference received, including interference that may cause undesired operation. | |

procedure is to replace the original unit with a factory reconditioned unit. Customers who must have the original unit back due to assigned asset tags and set depreciation schedules must declare such a need at first contact with APC Technical Support. APC will ship the replacement unit once the defective unit is received by the repair department or cross-ship upon the provision of a valid credit card number. The customer pays for shipping to APC, and APC pays ground freight transportation costs back to the customer.

Service

Please DO NOT RETURN Back-UPS ES to the place of purchase under any circumstances.

1. Consult the Troubleshooting section to eliminate common problems.
2. Verify the battery is connected (see *Connect Battery*) and that the Circuit Breaker is not tripped (see *Troubleshooting* section).

If you still have problems or questions, please contact APC via the internet or at one of the phone numbers listed below.

3. Before contacting APC, please be sure to record the date purchased, UPS model, and serial number (on bottom of unit).

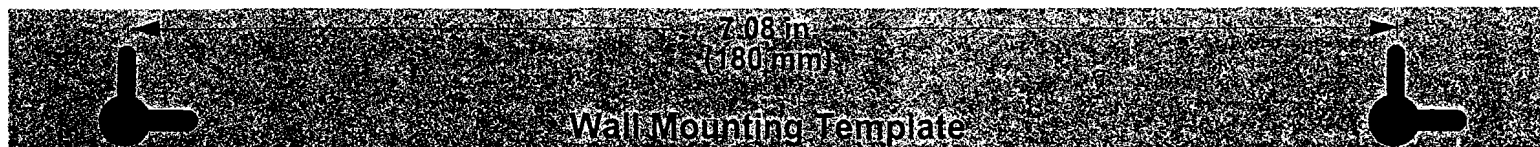
4. Be prepared to troubleshoot the problem over the telephone with a Technical Support Representative. If this is not successful, the representative will issue a Return Material Authorization Number (RMA#) and a shipping address.

Pack the unit in its original packaging. If the original packaging is not available, ask APC Technical Support about obtaining a new set. Pack the unit properly to avoid damage in transit. Never use foam beads for packaging. Damage sustained in transit is not covered under warranty (insuring the package for full value is recommended).

8. Write the RMA# on the outside of the package.
9. Return the unit by insured carrier to the address given to you by APC Technical Support.

APC Contact Information

Online Technical Support <http://support.apc.com>
Web Site www.apc.com
USA/Canada 1.800.800.4272
Mexico 52.292.0253 / 52.292.0255
Brazil 0800.12.72.1
Worldwide +1.401.789.5735



IMPORTANT SAFETY INSTRUCTIONS - SAVE THIS GUIDE

This Safety Guide contains important instructions that should be followed during installation and maintenance of the APC equipment and batteries. It is intended for APC customers who setup, install, relocate, or maintain APC equipment.

This equipment is intended for installation in a temperature-controlled indoor area (see the *User's Manual* for exact temperature range), free of conductive contaminants.





Electrical Safety

CAUTION: To reduce the risk of fire, connect only to a circuit provided with a 20 Amp maximum branch circuit overcurrent protection in accordance with the National Electrical Code ANSI/NFPA. Equipment must be connected to a grounded outlet. The equipment must be connected to a socket outlet that is in close proximity to the unit and is easily accessible.



CAUTION! Deenergizing Safety

- If the equipment has an internal energy source (the battery), the output may be energized when the unit is not connected to an AC power outlet.
- To deenergize pluggable equipment: first press the Off button for more than one second to switch the equipment off. Next disconnect the equipment from the AC power outlet. Finally, disconnect the battery.
- To deenergize permanently wired equipment: set the power switch to standby . Next set the AC circuit breaker to standby . Then disconnect the batteries (including any expansion units). Finally, disconnect the AC power from the building power supply.
- Pluggable equipment includes a protective earth conductor which carries the leakage current from the load devices (computer equipment). Total leakage current must not exceed 3.5 mA.
- Use of this equipment in life support applications where failure of this equipment can reasonably be expected to cause the failure of the life support equipment or to significantly effect its safety or effectiveness is not recommended.



WARNING! Battery Safety

- **This equipment contains potentially hazardous voltages.** Do not attempt to disassemble the unit. The only exception is for equipment containing batteries. Battery replacement using the procedures below is permissible. Except for the battery, the unit contains no user serviceable parts. Repairs are performed only by factory trained service personnel.



Batteries must be recycled. Deliver the battery to an appropriate recycling facility or ship it to the supplier in the new battery's packing material. See the new battery instructions for more information.

- **CAUTION:** Do not dispose of batteries in a fire. The batteries may explode.
- **CAUTION:** Do not open or mutilate batteries. They contain an electrolyte which is toxic and harmful to the skin and eyes.
- **CAUTION:** To avoid personal injury due to energy hazard, remove wrist watches and jewelry such as rings when replacing the batteries. Use tools with insulated handles.
- **CAUTION:** Replace batteries with the same number and type of batteries as originally installed in the equipment.

Replacement and Recycling of Batteries

See your dealer or the *User Manual* for information on replacement battery kits and battery recycling.

FCC Requirements

- The Federal Communications Commission (FCC) has established rules which permit this device to be directly connected to the telephone network. Standardized jacks are used for these connections. This equipment should not be used on party lines or coin lines.
- If this device is malfunctioning, it may also be causing harm to the telephone network; this device should be disconnected until the source of the problem can be determined and until repair has been made. If this is not done, the telephone company may temporarily disconnect service.
- The telephone company may make changes in its technical operations and procedures; if such changes affect the compatibility or use of this device, the telephone company is required to give adequate notice of the changes.
- If the telephone company requests information on what equipment is connected to their lines inform them of:
 - a) The telephone number that this unit is connected to,
 - b) The ringer equivalence number [0.0]
 - c) The USOC jack required [RJ11C], and
 - d) The FCC Registration Number

Items (b) and (d) are indicated on the label. The ringer equivalence number (REN) is used to determine how many devices can be connected to your telephone line. In most areas, the sum of the RENs of all devices on any one line should not exceed five (5.0). If too many devices are attached, they may not ring properly.

“Equipment Protection Policy”

Whereas,

APC is committed to innovative solutions to real customer problems through engineering excellence and...

Whereas, APC offers the most cost effective, reliable power protection product available...

Therefore,

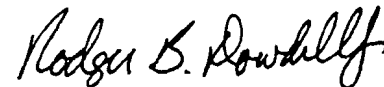
let it be known to all parties, that from this day forward, American Power Conversion Corp. demonstrates its commitment to guarantee customer confidence and user peace of mind.

American Power Conversion will repair or replace any equipment damaged by a surge or spike while connected to an APC unit covered by the Equipment Protection Policy*

APC[®]
www.apc.com

132 Fairgrounds Road, West Kingston, RI 02892

*Certain legal restrictions apply, see reverse side for details.



Rodger B. Dowdell, Jr., CEO, President

American Power Conversion's "Equipment Protection Policy"

THIS POLICY IS NOT A WARRANTY. REFER TO THE APC LIMITED WARRANTY FOR INFORMATION CONCERNING THE WARRANTY FOR YOUR APC PRODUCT. THE LIMITATIONS AND CONDITIONS CONTAINED IN THIS POLICY DO NOT AFFECT THE TERMS OF THE WARRANTY

"Equipment Protection Policy"

In the 50 US States and Canada Only for 120 Volt Products
US Territories not included.

If your electronic equipment is damaged by power line transients on an AC power line (120 Volt - see Note 1 below) while directly and properly connected to a standard APC product covered by the Equipment Protection Policy ("connected equipment"), and if all of the remaining conditions specified below are met, APC will, at APC's sole option, during the period specified below only, replace the APC product and either (a) pay for the repair of the connected equipment or (b) reimburse you for the fair market value, as determined by the then current price list of the Orion Blue Book (or equivalent), of the connected equipment, in an amount not to exceed the dollar limits stated below, if APC determines that the damage was caused by the failure of the APC product to protect against power line transients and/or where applicable, data line, telephone or CATV line transients. Power line transients that APC products have been designed to protect against, as recognized by industry standards, include spikes and surges on AC power lines. Protection from telephone line transients applies only to APC products which offer modem or fax line protection, and in cases in which such protection is available, telephone service equipment must include a properly installed and operating "primary protection" device at the service entrance (such devices are normally added during telephone installation) in order to be covered for telephone line transients. Protection of CATV (Cable Television) connected equipment from transients applies only to APC products which offer such protection, and in such cases, the CATV service must be properly grounded according to the codes set forth in the National Electrical Code (NEC) in order to be covered for CATV transients. Protection from data line transients applies only to APC UPS products which offer data line protection. This policy does not apply to the APC ProtectNet products. If you own APC ProtectNet products, please refer to the Supplemental Equipment Protection Policy included with your ProtectNet products.

Data Recovery Policy

If data is lost from the hard drive in the protected computer due to a malfunction of a properly connected APC product, APC will, at its sole discretion, provide data recovery services from Ontrack® data recovery labs. This warranty will be offered to customers to the extent commercially reasonable, as determined by APC at its sole discretion. Ontrack will make every commercially reasonable effort to retrieve customer data, however, due to the nature of data loss, recovery is not guaranteed. The data recovery warranty is available on all APC products mentioned in the chart that follows with the exception of APC's Basic and Personal SurgeArrest® models. Data recovery is limited to physical hard drives within protected computing equipment. Expressly excluded from this warranty are any type of external storage devices.

APC reserves the right to determine whether the damage to the connected equipment is due to APC product failure by requesting that damaged equipment be sent to APC for inspection. This policy is in excess of, and applies only to the extent necessary beyond, any coverage for the connected equipment provided by other sources, including, but not limited to, any manufacturer's warranty, extended warranty coverage and home owner's insurance.

Equipment Protection Policy Dollar and Period Limits

For customers that meet the qualifications and conditions set forth in this policy, APC will provide reimbursement (cost of repair or fair market value) during the period limits and up to the dollar limits stated as follows:

| Product | Specific Model** | Dollar Limit | Period*** |
|--------------------------|------------------------|--------------|-----------|
| Basic Surge | P8 | \$10,000 | Lifetime |
| Basic Surge | PTT10/P7T6/P10V2 | \$25,000 | Lifetime |
| Personal SurgeArrest | | \$50,000 | Lifetime |
| Professional SurgeArrest | | \$75,000 | Lifetime |
| Network SurgeArrest | | \$100,000 | Lifetime |
| Performance SurgeArrest | | \$100,000 | Lifetime |
| SurgeArrest Notebook | PNote1 | \$16,000 | Lifetime |
| SurgeArrest Notebook | Pro PNotePro/PNotePro3 | \$75,000 | Lifetime |
| PowerManager | | \$100,000 | Lifetime |
| Back-UPS ES | | \$50,000 | Lifetime |
| Back-UPS Office | | \$75,000 | Lifetime |
| Back-UPS VS | | \$75,000 | Lifetime |
| Back-UPS CS | | \$100,000 | Lifetime |
| Back-UPS | BK850MC | \$100,000 | Lifetime |
| Back-UPS LS | | \$150,000 | Lifetime |
| Back-UPS Pro | | \$150,000 | Lifetime |
| Line-R | | \$75,000 | Lifetime |
| Smart-UPS | | \$160,000 | Lifetime |
| Matrix-UPS | | \$150,000 | Lifetime |

* All X-option products are excluded

** If blank, then all products in that family are covered with the exception of X-Option products

*** Lifetime period is the life of the product while owned by the original purchaser ("you" or "purchaser")

Eligibility for coverage under the Equipment Protection Policy:

- You must register the product by returning to APC the warranty card provided with the product within 10 days of purchase. All information must be filled in, and you should retain a copy for your records.
- All connected equipment must be UL or CSA approved.
- The APC product must be plugged into properly wired and grounded outlets; no extension cords, adapters, other ground wires, or electrical connections may be used, with the sole exception of other standard APC 120 Volt products. The installation must not include power protection products made by any manufacturer other than APC. The installation must comply with all applicable electrical and safety codes set forth pursuant to the most current National Electrical Code (NEC).
- Any claim under the Equipment Protection Policy must be made within 10 days of the date of alleged damage to the connected equipment.
- The Equipment Protection Policy covers only standard APC 120 Volt products used in the 50 US States and/or Canada (US Territories not included).

What is not covered under the Equipment Protection Policy:

- DAMAGE TO ELECTRONIC EQUIPMENT RESULTING FROM TRANSIENTS ON DATA LINES IS NOT COVERED UNLESS THE UPS OR SURGE PRODUCT OFFERS SUCH PROTECTION.
- Restoration of lost data and reinstallation of software are not covered.
- This policy does not cover damage from a cause other than AC power line transients, except for damage due to data line, telephone line or CATV transients, which is covered only if the APC product offers such protection and the unit is properly utilized. In addition, the following are expressly excluded from coverage:
- DAMAGE CAUSED BY FAILURE TO PROVIDE A SUITABLE INSTALLATION ENVIRONMENT FOR THE PRODUCT (INCLUDING, BUT NOT LIMITED TO, LACK OF A PROPER SAFETY GROUND).
- Damage caused by the use of the APC product for purposes other than those for which it was designed.
- Damage caused by accidents, or disasters such as fire, flood, or wind.
- Damage caused by abuse, misuse, alteration, modification, or negligence.
- This policy is null and void if, in APC's view, the APC product has been tampered with or altered in any way.
- EXCEPT AS EXPRESSLY PROVIDED IN THIS POLICY, IN NO CASE SHALL APC BE LIABLE UNDER THE TERMS OF THIS POLICY FOR ANY DAMAGES WHATSOEVER, INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR MULTIPLE DAMAGES ARISING OUT OF THE USE OF THE APC PRODUCT OR DAMAGE TO THE CONNECTED EQUIPMENT, REGARDLESS OF THE LEGAL THEORY ON WHICH SUCH CLAIM IS BASED, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. SUCH DAMAGES INCLUDE, BUT ARE NOT LIMITED TO, LOSS OF PROFITS, LOSS OF SAVINGS OR REVENUE, LOSS OF USE OF THE APC PRODUCT OR THE CONNECTED EQUIPMENT OR ANY ASSOCIATED EQUIPMENT, LOSS OF SOFTWARE, COST OF CAPITAL, COST OF ANY SUBSTITUTE EQUIPMENT, FACILITIES OR SERVICES, DOWNTIME, THE CLAIMS OF THIRD PARTIES, INCLUDING CUSTOMERS, AND INJURY TO PROPERTY.

Submitting an Equipment Protection Policy Claim:

- If all of the conditions for coverage are satisfied, call the APC customer service department at (800) 800-4APC and obtain an EPP RMA (Equipment Protection Policy Returned Material Authorization) number. APC will forward to you an Equipment Protection Policy claim form, which must be completed and filed within 30 days.
- Mark the Equipment Protection Policy RMA number on the APC product you are returning.
- Pack the APC product in its original packaging (or request packing materials from APC if the packaging has been discarded). Enclose the completed Equipment Protection Policy claim form and a copy of your sales receipt for the APC product in box.
- Mark the EPP RMA number clearly on the outside of box.
- Ship the product (one way shipping charges paid by you) to the address given by the APC representative handling your claim.

- APC will evaluate the product to determine its level of functionality, and will examine the product for evidence of damage from AC power line transients (data line, telephone line or CATV transients, if applicable). (A) If APC's evaluation provides no evidence of damage from power line transients (data line, telephone line or CATV transients, if applicable), APC will send to the customer (i) a report summarizing the tests performed and (ii) a rejection of claim notice. (B) If the APC product shows evidence of damage from power line transients (data line, telephone line or CATV transients, if applicable), APC will request that all connected equipment for which an Equipment Protection Policy claim has been submitted, be sent for evaluation to either APC or an authorized service center. If it is determined that the connected equipment has been damaged from AC power line transients (data line, telephone line or CATV transients, if applicable), APC will, in its discretion, either authorize you to have the equipment repaired or reimburse you for the fair market value of the damaged equipment, up to the dollar limits stated above. Please save the damaged connected equipment or all damaged parts.
- If you are authorized by APC to have the connected equipment repaired, the repair must be performed at a service center that is authorized by the manufacturer of the connected equipment. APC reserves the right to contact the authorized service center directly to discuss repair costs and damage to the connected equipment to determine if it was caused by AC power line transients (data line, telephone line or CATV transients, if applicable) and the right to request that the service center forward the connected equipment or components of the connected equipment to APC for inspection. Please notify the service center to save all damaged parts.
- APC will, after determining that the damage was caused by the failure of the APC product to protect against AC power line transients (data line, telephone line or CATV transients, if applicable), issue payment to you, in its sole discretion, for either costs of repair or the fair market value of the connected equipment, up to the dollar limits stated above. APC reserves the right to require you to transfer title and deliver the connected equipment to APC if it chooses to reimburse you for the fair market value of the connected equipment.
- Unless modified in a writing signed by APC and you, the terms of this policy are understood to be the complete and exclusive agreement between the parties, superseding all prior agreements, oral and written, and all other communications between the parties relating to the subject matter of this agreement. No employee of APC or any other party is authorized to make any representations beyond those made in this agreement concerning the Equipment Protection Policy.

APC[®]
www.apc.com

132 Fairgrounds Road
West Kingston, RI 02892
Tel: (800)800-4APC/(401)7895735/Fax: (401)7895733

- *PowerChute plus 5.2.0.3J for Windows NT/2000J User's Guide* (PCWNTUGI.PDF), *Installation Guide* (PCWNTIGI.PDF), and *Release Notes* (PCWNTRNJ.PDF)
- *PowerChute plus 5.0.2 for Windows 95/98/Me User's Guide* (PC98UG.PDF), *Installation Guide* (PC98IG.PDF), and *Release Notes* (PC98RN.PDF)

Reading and Printing the PDF Documentation

After the Installation, to read any .pdf file provided on the CD-ROM, you must have Adobe Acrobat Reader® version 3.0 or above. To install Acrobat Reader, located in the CD-ROM's **acrobat\install** folder:

- For your English-language operating system, run **ar40cng.exe**
- For your Japanese-language operating system, run **ar405jpn.exe**

Note: The installation program installs online help files and, if you choose the **Typical** installation option, the PDF files. You can also simply copy the PDF files to your own machine, or reference them directly from the CD-ROM.

APC Product Support on Web Sites, E-Mail, and Telephone

Technical support for this or any other APC product is available at no charge. You can contact APC Technical Support in any of the following ways:

- Use the APC web site.
 - <http://www.apcc.com> (Corporate Headquarters). Connect by links to APC web pages for specific countries and regions, each of which provides technical support information.
 - <http://www.apcc.com/support/>. Submit technical support requests.
- Contact a local or regional APC Technical Support Center by telephone or e-mail.
 - For e-mail addresses and local, country-specific, technical support telephone numbers worldwide, choose a country from the **Change Country** drop-down list in the home page of APC's corporate web site, <http://www.apcc.com>, and then **Contact** from the header bar.
 - For e-mail addresses and technical support telephone numbers of major APC regional technical support centers, use the following list:

| | |
|------------------------------------|--|
| APC Headquarters (U.S. and Canada) | 1-800 800-4272 (toll free) |
| Latin America | +1 401-789-5735 (United States) apetchla@apcc.com |
| Europe, Middle East, Africa | +353 91 702020 (Ireland) apceurtech@apcc.com |
| Japan | 03 5434 2021 jsupport@apcc.com |
- Contact the APC representative or other distributor from whom you purchased your UPS or APC software application for information on how to obtain local technical support.

Software Products

The CD-ROM — APC part number 991-0072B — contains three PowerChute® *plus* applications:

- PowerChute *plus* 5.2.1 for Windows NT/ Windows 2000 (this is the English-language version)
It can be used with the following operating systems:
 - Windows NT Server 4.0, or Windows NT Workstation 4.0, Service Pack 3 (or above)
 - Windows 2000
- PowerChute *plus* 5.2.0.3J for Windows NTJ/ Windows 2000J (this is the Japanese-language version)
It can be used with the following Japanese operating systems:
 - Windows NT Server 4.0J, Service Pack 6a, or Windows 2000J, or Windows 2000J, Service Pack 1
- PowerChute *plus* 5.0.2 for Windows 95/98/Me, which you can use with any version of Windows 95, Windows 98, or Windows Me.

Initial Installation Instructions

To begin installing PowerChute *plus* on your machine, perform the following steps:

- 1) See the *Back-UPS Uninterruptible Power Supply User's Guide* to install your Back-UPS.
- 2) Use the cable that came with your UPS to connect the UPS serial port to a communications port on your computer (see <http://www.apcc.com/support/faq.cfm#5> for information on which APC cable works with which UPS).

Note: Make a note about which communication (COM) port you use on your machine. You will need to identify this port during the software installation.

- 3) Place the installation CD-ROM in your machine. Allow some time for the “Welcome to APC’s Software Products CD Browser” window to display.

Note: If your machine does not automatically open the installation program (the “Welcome to APC’s Software Products CD Browser” window), run the **setup.exe** file in the CD-ROM’s root directory.

- 4) Click the **Continue** arrows button and subsequently click **Yes, I Agree** after reading the agreement.
- 5) After clicking on your target Windows operating system — NT/2000, NT/2000J, or 95/98/Me — the available **Release Notes** and **Installation Help** files are listed under “View Documentation”. Clicking a listed document launches the document viewer (Adobe Acrobat Reader®) and displays the document in Portable Document Format (PDF).
- 6) Please read both files in turn. To continue installing, click on PowerChute *plus* with the version number under the **Install PowerChute...** heading (above **View Documentation**).

PowerChute *plus* Documents

The **acrobat/manuals** folder on the CD has the following documents in portable document format (PDF):

- *PowerChute plus 5.2.1 for Windows NT/Windows 2000 User's Guide* (PCWNTUG.PDF), *Installation Guide* (PCWNTIG.PDF), and *Release Notes* (PCWNTRN.PDF)

Case/Docket No: IDI 030710CCN0706

Date: 7/16/03

Voluntarily Released

Subpoena

Page 1 of 1

STATE OF WISCONSIN

Department of Agriculture
Trade and Consumer Protection

2811 Agriculture Drive

P.O. Box 8911

Madison, WI. 53708 - 8911



This will acknowledge that the following article(s) were obtained from Donald Gibbard

Address: 6627 Wood Circle East, Middleton

Telephone: ()

| NO. | ITEM | DESCRIPTION | QUANTITY | ARTICLE NAME |
|-----|------|--------------------------------|----------|--------------|
| 1 | 1 | Battery backup 350 VA 200watts | 1 | |
| 2 | | #03 APC Back-UPS ES Series | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | | | | |
| 13 | | | | |
| 14 | | | | |
| 15 | | | | |

Signature of Investigator: [Signature]

Phone (608) 224-4988

Signature of party from whom articles were obtained: [Signature]

Date: 7/16/03

Witness: _____ Witness: _____

| RELINQUISHED BY (SIGNATURE) | RECEIVED BY (SIGNATURE) | DATE RELEASED | ITEM NUMBER | LAB NUMBER | PLACEMENT |
|--------------------------------|----------------------------|------------------|----------------|---------------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

I acknowledge the return of item no.(s) _____
on this _____ day of _____, 19 _____, by

(Name of person returning item(s))

(Signed) _____

IDI 030710CCN0706 - Exhibit "C" - Sample Receipt

| | | | |
|---|---|---|--|
| U.S. CONSUMER PRODUCT SAFETY COMMISSION | | 1. AREA OFFICE ADDRESS 12605 W. North Ave. Brookfield, WI 53005 | |
| 2. NAME OF INDIVIDUAL Michelle Reinen | 3. TITLE OF INDIVIDUAL Investigator | 4. DATE 7/24/03 | |
| 5. FIRM NAME Dept. of Agriculture, Trade & Consumer Protection | | 6. SAMPLE NUMBER | |
| 7. NUMBER AND STREET 2811 Agriculture Dr. | 8. CITY AND STATE (Include Zip Code) Madison, WI 53708 | | |

9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification)

The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2076(f) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form.

1- APC Back-UPS
ES Series / UL Listed 42c2 -
E95463
Model: BE350C
Battery Backup 350 VA
200 Watt

Previously collected by
Investigator Reinen from:
Donald Gibbard
6627 Wood Circle East
Middleton, WI 53562
on 7/16/03

| | | |
|--|--|---|
| 10. SAMPLES | 11. SAMPLES WERE | 12. COLLECTOR |
| a. AMOUNT RECEIVED FOR SAMPLE | <input type="checkbox"/> PURCHASED | a. NAME (Print or type) Rosemary Pergino |
| b. SIGNATURE (Person from whom sample received) Michelle Reinen | <input type="checkbox"/> BORROWED (To be returned) | b. SIGNATURE Rosemary Pergino |

PRODUCT IDENTIFICATION

there are three, 3-pronged plug receptacles on the front.

METHOD OF COLLECTION

locked residences until later shipment to the sample custodian via UPS on 8/11/03. Sample was labeled and sealed in a shipping carton.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

Donald W. Ashford
(Signature)

7/16/03
(Date)

IDI 030710CCN0706 – Exhibit “F” – Contact List

Donald Gibbard – Complainant
6627 Wood Circle East
Middleton, WI 53562
(608) 831-1876



Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

RE: 030701CCN0667,
030710CCN0706, H0370020A,
H0370053A

October 22, 2003

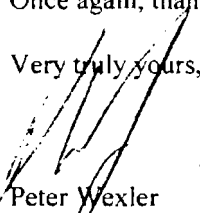
Dear Ms. DeTemple:

Thank you for your letter dated August 29, 2003 regarding the above referenced incidents allegedly involving our products. In regards to Claims #030710CCN0706, we did receive a report from the customer, but the customer has not returned the unit so that we may conduct a failure analysis. In regards to Claims #030710CCN0706, we did receive a report from the customer and have received and reviewed the unit. Our analysis to date indicates a external overvoltage event to the surge unit was the root cause of the unit failure. We have offered to replace the customer's unit. We have very little information regarding Claim #H0370053A and have not received the unit for evaluation, however, it is our understanding that a new unit was sent to the customer. Finally, we have not, to the best of our knowledge, receive any claims or information related to Claim # 030701CCN0667.

We appreciate the Consumer Products Safety Commission contacting us regarding these matters. Please contact us immediately if there are any further developments in any of these cases. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,


Peter Wexler
Associate General Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity
APC's quality system is ISO 9002 certified

Estelle, Gerri B.

From: Cohn, Murray S.
Sent: Wednesday, July 09, 2003 3:22 PM
To: Incident Reports; Emerging Hazards, Internet Incident Reports; Clearinghouse; Hazard
Cc: Pucciarelli, Ellen M
Subject: Internet Form Complaint - Doc #10370121

7/8/2003 5:20:24 PM

Name = Donald W. Gibbard
Address = 6627 Wood Circle East
City = Middleton
State = WI
Zip = 53562-2834
Email = DonGib@Chorus.Net
Telephone = 608-831-1876
Name of Victim =
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

JUL 10 2003

ISSUE 41

Incident Description: Manufacturer's Brand Name: APC
Type of Product: Uninterruptible Power Supply
Product Model number and Serial number: Back-UPS ES 350VA
Model BE350C Ser. # NB0138310452
Product Purchase Date: Nov. 23, 2001
Purchase Location: Circuit City, Madison, WI
Product Description: 350 VA Battery Backup and Surge
Suppressor. UPC Code 731304105831 Total Output Current:
12 Amps Color: Gray

Problem: This UPS was in use for about 6 months, but the equipment plugged into it was seldom powered on. In late May or early June of 2003, I decided to test the battery backup feature by unplugging the unit from the wall while a portable computer was running off the AC power running thru the UPS. When I unplugged the UPS from the wall, there was no battery backup. The power was cutoff to the portable computer. I unplugged the portable computer from the UPS and then plugged the UPS back into the wall outlet. The UPS began emitting smoke out of one of its electrical outlets. Once I noticed the smoke, I unplugged the UPS from the wall. I do not know what would have happened if I hadn't unplugged the UPS from the electrical outlet. I believe there was a good chance that it would have started on fire. At this point, I still have the UPS.

Victim's age at time of incident =
Victim's sex =
Date of incident = June 2003
Product involved = Uninterruptible Power Supply - Battery Backup & Surge Suppressor
Product brand name/manufacturer = APC
Place where manufactured (City and State) = West Warwick, Rhode Island
Product involved still available = Yes
Product model and serial number = Back-UPS ES 350VA Model BE350C Ser. # NB0138310452
Date product purchased = Nov. 23, 2001
Name Release = Release name to manufacturer only

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Donald W. Alford 7/22/03
Signature Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

I 0370121

| | | | | |
|--|--|--|---|---|
| 1. Task Number 020520CWE5005 | | 2. Investigator's ID 8232 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 840 | 4. Date of Accident YR MO DAY 2002 03 01 | 5. Date Initiated YR MO DAY 2002 05 22 | | |
| 6. Synopsis of Accident or Complaint UPC unknown A fire ignited inside a backup power supply for a home computer. A Smoke alarm alerted the owner's wife. The wife extinguished the fire with a wet towel. Fire damage was confined to the power supply. No injuries occurred. The owner returned the power supply to the manufacturer and received a replacement. The owner said that the manufacturer would not tell him why the original unit failed. | | | | |
| MANUFACTURER NOTIFIED No comments made Comments attached Revisions/Revisions <input checked="" type="checkbox"/> Firm has not requested further action <i>5/27/03 JP</i> | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City MLWAUKIE | | 9. State OR |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name APC | | 10C. Model Number APC-650 VA |
| 10D. Manufacturer Name and Address AMERICAN POWER COMPANY Hunt Valley, MD | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 0 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 2 - Telephone | 19. Time Spent (Operational / Travel) 8 / 0 | |
| 20. Attachment(s) 0 - No Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 06/30/2002 | 25. Reviewed By 8320 | | 26. Regional Office Director Frank J. Nava | |
| 27. Distribution Smith, Linda E.; Rutherford, George W. | | | 28. Source Document Number F0255003A | |

The owner was the respondent. The owner was interviewed by telephone on 6/24/02.

Pre-event

The event occurred in a single family home located in a suburban neighborhood. A married couple occupies the home. The husband has a personal computer in the home office. The he purchased a back-up power supply to prevent the loss of data if electrical power to the computer was interrupted.

The husband said that he purchased the back-up power supply new approximately three years before the event. He said that the back-up power supply is plugged directly into the standard wall outlet. He said that he plugged his computer and monitor into the back-up power supply.

The husband said that the computer and monitor were the only items plugged into the back-up power supply. He said that the computer was a homemade Pentium-4 unit. He said that the monitor was a 19-inch model. He said that he used the computer approximately 20 hours per week. He said that the computer equipment was turned off when not in use.

The husband said that there were no problems with the computer, monitor or back-up power supply before the event. He said that the back-up power supply was not damaged, altered or repaired before the event. He said that the battery in the back-up power supply was the original unit and did not require replacement before the event.

Event

The husband said that the computer and monitor were turned off. He said that his wife was home alone at the time of the event. He said that she was working in the basement and came up to the kitchen for a cup of coffee. He said that she heard the smoke alarm sounding an alarm. He said that she checked the house and found flames eight to ten inches tall coming from the air vent holes in the back-up power supply.

The husband said that his wife smothered the fire with a wet towel. He said that fire damage was confined to the back-up power supply. He said that electrical feedback from the power supply apparently damaged the computer CPU during the fire. No injuries were associated with the event.

Post Event

The husband reported the event to his local fire department but did not require emergency assistance. The fire department fire department did not investigate the incident. The fire department referred the husband to CPSC.

The husband returned the power supply to the manufacturer after the event. He said that the manufacturer provided a new back-up power supply and paid for damage to his computer. He said that the manufacturer refused to disclose the reason for the fire inside the original back-up power supply.

Product Identification

Manufacturer: American Power Company
Hunt Valley, MD

Brand: APC

Model: APC-650 VA

The respondent provided the product identification information. The product is a back-up power supply for computers. The respondent said that the product contains a battery and electrical sensor circuits. The respondent said that the product provides temporary power to allow a desktop computer to shut down without the loss of data in the event of a loss of electrical power. The respondent said that he returned the fire-damaged unit to the manufacturer. The unit was not available for examination at the time of this investigation.

Standards Information

Standards information was not available.

Attachments

None



2/26

Ann De Temple
National Injury Information Clearinghouse
Consumer Products Safety Commission
4330 East West Highway, Room 504
Bethesda, MD 20814

August 20, 2002

RE: 020520CWE5005

VIA FEDEX

Dear Ms. De Temple:

Thank you for your letter dated July 31, 2002 regarding an incident on March 1, 2002 involving an APC BK650 MC Uninterruptible Supply manufactured by APC around October 1998. APC was informed of the incident by Mr. (b)(6) on March 27, 2002 and APC and Mr. (b)(6) reached resolution satisfactory to Mr. (b)(6) soon thereafter. APC did have the opportunity to physically examine the unit and has preliminarily concluded that this unit was subjected to an externally generated large power surge on the AC power line possibly generated by a lightning strike.

American Power Conversion Corporation takes the design and manufacture of its products extremely seriously. We appreciate the Consumer Products Safety Commission contacting us regarding this matter. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,


Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

137 A 24

CONSUMER PRODUCT INCIDENT REPORT

| | | | | |
|---|--|--|---|---|
| 1. Name of Respondent (b)(6) | | 2. Name (Personal) (b)(6) | | (Work) |
| 3. Address | | 4. Zip Code Milwaukie, OR 97222 | | |
| 5. Describe accident situation or hazard, including date on injuries. (Use second page if necessary.) <p>Three respondent reported that his back-up power computer supply ignited while the computer equipment was turned off. He said that the back-up power supply was in the standby mode and flames erupted from the device. He said that the fire was discovered at an early stage and damage was confined to the power supply. No injuries were reported.</p> <p style="text-align: right;">ISSUE 35 MAY 29 2002</p> | | | | |
| 6. Date of Incident(s) C3/02 | | 7. If injury or near miss, obtain Age Sex and describe injury no injury | | 8. If victim different from respondent, provide Name: Relationship: |
| 9. Description of Product back-up computer power supply | | | 10. Brand Name APC | |
| 11. Manufacturer/Distributor Name, Address & Phone American Power Co. Hunt Valley MD | | | 12. Model, Serial No.'s APC-650 VA | |
| | | | 13. Dealer's Name, Address, & Phone not stated | |
| 14. Was the product damaged, repaired or modified? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, before or after the incident? Describe: Fire damage during incident | | | 15. Product purchased New <input type="checkbox"/> Used <input type="checkbox"/> Date Age 3 yrs | |
| | | | 16. Does product have warning labels? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, Note: not stated | |
| 17. Have you contacted the manufacturer? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If not, Do you plan to contact them? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other | | 18. Is the product still available? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, its disposition | | 19. May we use your name with this report? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| FOR ADMINISTRATION USE | | | | |
| 20. Date Received 3/28/02 | | 21. Received by (Name & Office) J. Burchyski | | 22. Document No. F0255003A |
| 23. Follow-Up Action ID1 020520CWE5005 | | | 24. Product Code(s) 0557 | |
| 25. Distribution O: ETTDS cc: FOUR | | | 26. Endorser's Name & Title ETD / SW | |

01781

| | | | | |
|---|--|--|--|---|
| 1. Task Number 030123CNE7732 | | 2. Investigator's ID 9093 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2000 11 24 | 5. Date Initiated YR MO DAY 2003 01 23 | | |
| 6. Synopsis of Accident or Complaint UPC An electric operated-battery backed uninterruptible power supply device overheated and emitted smoke during normal use in the dispatch room of a regional firehouse. The product was plugged into a wall outlet on a dedicated 20-amp circuit, and controlling two computers and a fire alarm decoding device at the time. There was no fire, injury, sprinkler/alarm activation, or circuit tripped as a result of this incident. | | | | |
| 7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY | | 8. City WESTBOROUGH | | 9. State MA |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name APC | | 10C. Model Number SU1000RM2U |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 4061 - Electric Outlets Or Receptac | | 11B. Trade/Brand Name UNKNOWN | | 11C. Model Number UNKNOWN |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 32 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 3 - Other | 19. Time Spent (Operational / Travel) 20 / 2 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 01 - Fire or Police Dept. | | 22. Sample Collection Number 038102257 |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 03/12/2003 | 25. Reviewed By 8342 | | 26. Regional Office Director Gerard J. Naylis | |
| 27. Distribution Lansing, Joseph W.; Moro, Robert E.; Kessler, Charles R; Kohen, Beverly J.; Bodin, Gilbert; Naylis, Gerard J. | | | 28. Source Document Number N0310075A | |

6/17/04

REPRODUCTION
 COMMENTS: YES NO
 OVERRULED; ATTACHED
 EXCISIONS/FOIA Ex.
 Reason
 DO NOT RE-NOTIFY RE-NOTIFY

BACKGROUND

This investigation was initiated 1/6/03 by CPSC Investigator in Salem, NH, at which time a sample was collected from the Massachusetts State Fire Marshal's Office, and an interview was conducted with the complainant, a Firefighter. Extenuating circumstances subsequently called for the transfer of records to the FOER Regional Office for completion and processing of this investigation. The complainant was contacted by telephone on 3/6/03, at which time additional information was obtained and reported herein.

PRE-INCIDENT

The complainant is a 32-year-old-male, employed jointly as a regional Firefighter, and as a Network Technician for the Massachusetts State Fire Marshal's Office.

Approximately January 2001, the complainant purchased an uninterruptible power supply backup device for use in the dispatch room of his regional firehouse. This was the first such model purchased, however, several different model units from the same manufacturer are deployed throughout the building with no prior incidents. The product is designed to provide a continuous power supply during outages, and return automatically to house current when normal power is restored.

The product operates off house current, with the power backup controlled by four sealed 12-volt rechargeable batteries. The product was plugged into a grounded three-hole duplex wall outlet on a dedicated 20-amp emergency powered circuit. Attached to the product were two custom 1-GHz/Pentium-III computers, and one fire alarm decoding device. The product was situated on a metal storage rack inside a communications cabinet, in a room equipped with a commercial fire sprinkler/alarm system.

The product was in use as described continuously, 24 hours per day, seven days per week, since purchase. The product functioned as intended during approximately six power outages per year, each 10-20 minutes in duration, without incident.

Approximately 5:00 pm on the day of the incident, the complainant was in the dispatch room attending his duties.

INCIDENT

The complainant smelled and observed smoke coming from the communications cabinet, and traced the source to the product.

030123CNE7732

Page 2 of 3

POST-INCIDENT

The complainant switched off the unit, disconnected its power cord, and the smoking ceased. Smoke damage was confined to the product and its cabinet, and there was no fire spread, injury, sprinkler/alarm activation, or circuits tripped as a result of this incident.

The complainant removed the outer product casing and observed charring and melting of a plastic tray component in the circuit board area, which he identified as the smart slot. He stated that the component is intended to accept expansion accessories, which connect to surface interfaces when slid into the tray. He stated that no accessories were ever used with the product. The complainant stated that he unscrewed and removed the smart slot and observed further evidence of burning and melting to the circuit board directly beneath the component. He stated his opinion that the point of origin was a metal donut shaped component, approximately 1" in diameter, wrapped in copper wire and soldered to the circuit board. He was unable to technically identify this component but stated that it was the most significantly damaged.

The complainant documented the incident in an abbreviated fire report and turned the product over to the State Fire Marshal's Office for further investigation.

The complainant telephoned the manufacturer to report the incident, and requested a same model replacement, which was shipped out within two weeks, and has been in use since without further incident. The manufacturer requested that the incident product be returned for examination. This request was denied and the manufacturer was informed that a potential fire hazard investigation was ongoing by the State.

SAMPLES COLLECTED

On 1/6/03, the incident product was collected from the Massachusetts State Fire Marshal's Office under 03-810-2257, and submitted for potential fire hazard evaluation.

PRODUCT INFORMATION

a. Incident Product

The product is an APC brand uninterruptible power supply back-up device, Smart-Ups 1000, Model SU1000RM2U, Serial No.AS0046112551, marketed by American Power Conversion Inc., 132 Fairground Road, West Kingston, RI, 02892. The product operates off house current, with the power backup controlled by four, sealed and rechargeable 12-

030123CNE7732

Page 3 of 3

volt batteries identified by the complainant as “ BB Battery **** Part No. BP7-12 **** 12V **** 7AH/20 Hour **** “

The product is silver with a white control panel, and measures approximately 17”(w) x 17”(l) x 3.25”(h), and has a power cord with a molded three prong polarized plug. The product was purchased new in January 2001, for approximately \$1200 by mail order, the purchase specifics of which could not be ascertained.

The product contains labeling reading in part, “ **** Smart-UPS 1000 **** APC **** www.apcc.com **** UNINTERRUPTIBLE POWER SUPPLY **** Model Number SU1000RM2U **** Serial Number AS0046112551 **** MODEL 1000 **** 670W **** UL LISTED 42C2 **** E95463 **** CSA LR 63938 **** “. Markings on the same model replacement carton indicate that the product is made in the Philippines.

b. Products attached to the APC Backup Device

Attached to the incident product were two 1-Ghz/Pentium III-computers, custom assembled to the complainant’s specifications by Memory Plus Inc., 46 East Main Street, Westborough, MA 01581, with a power rating of 185- Watts/2.5 Amps.

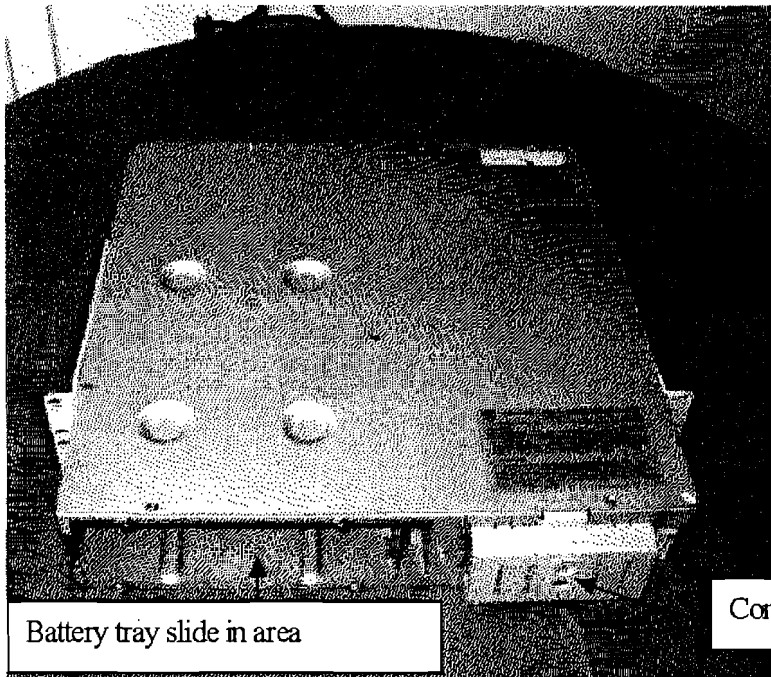
Also attached to the incident product was one Keltron Model DMP703 fire alarm decoding device, manufactured by the Keltron Corporation, 225 Crescent Street, Waltham, MA 02453, with a power rating of 25 Watts/1.2 Amps.

c. Wall outlet

The incident product was attached to a grounded three-hole duplex wall outlet on a dedicated 20-amp emergency powered circuit. No other product information was available.

ATTACHMENTS

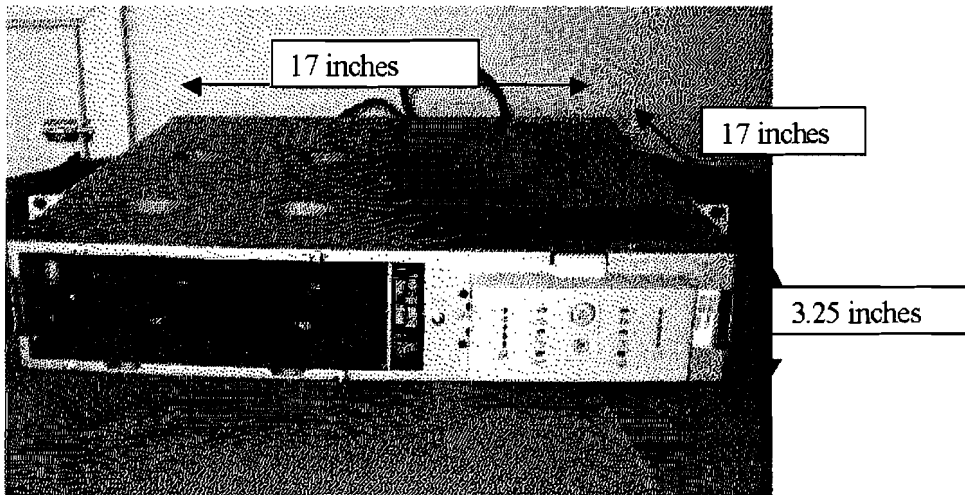
- Exhibit # 1.1 –1.10 Photographs of the incident product
- Exhibit # 2 Collection Report 03-810-2256
- Exhibit # 3 Abbreviated Fire Report No. 27328 dated 11/24/02
- Exhibit # 4 APC Product Replacement Tracking Document dated 11/25/02
- Exhibit # 5 Contact Sheet
- Exhibit # 6 Authorization to Release Name Form



Battery tray slide in area

Control panel with on and off switches

Exhibit 1.1 – Front view of product
IDI 030123CNE7732



17 inches

17 inches

3.25 inches

Exhibit 1.2 – Close-up front view of product
IDI 030123CNE7732

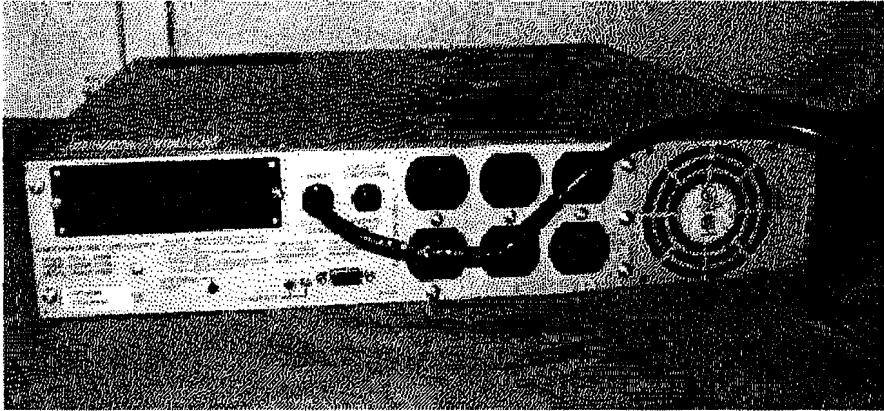
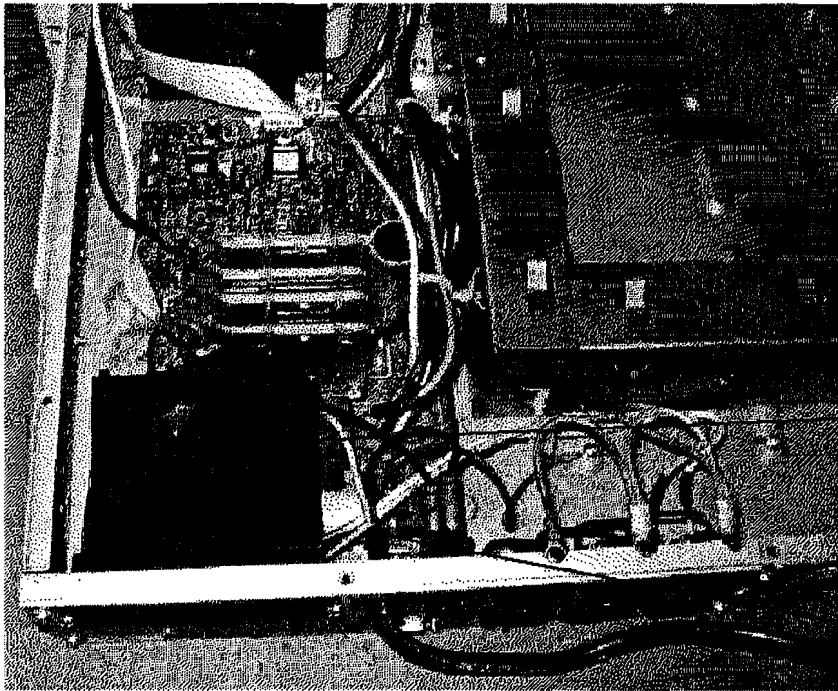


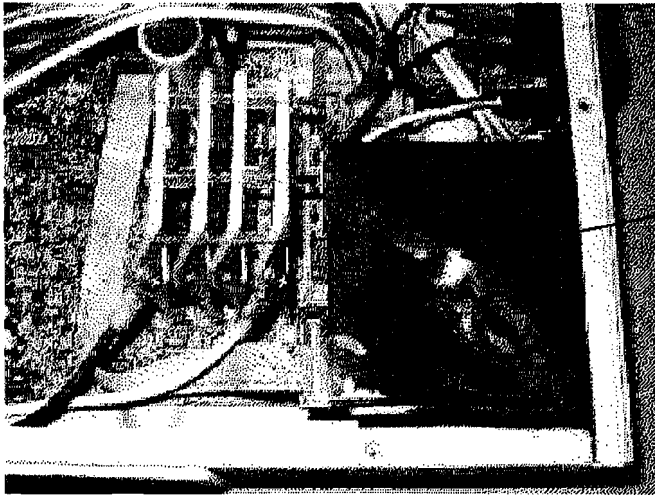
Exhibit 1.3 – Rear view of product
IDI 030123CNE7732



Plastic smart slot tray in circuit board area showed signs of charring and melting

Power cord wiring inside product

Exhibit 1.4 – Product with cover removed
IDI 030123CNE7732



Complainant stated that below melted smart slot tray in this area, was the most heavily damaged component, metal donut shaped, approximately 1-inch in diameter, wrapped in copper wire and soldered to the circuit board. He suspected this to be the point of origin.

Exhibit 1.5 – Close-up of product with cover removed
IDI 030123CNE7732

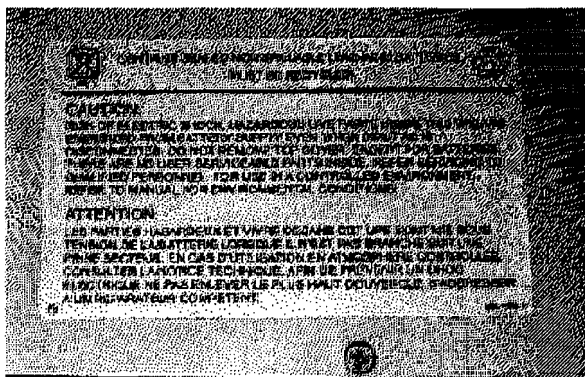


Exhibit 1.6– Caution label on top of product
IDI 030123CNE7732

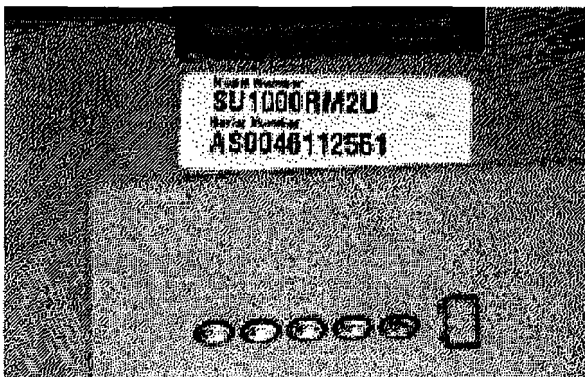


Exhibit 1.7 Model and Serial Number identification on product
IDI 030123CNE7732

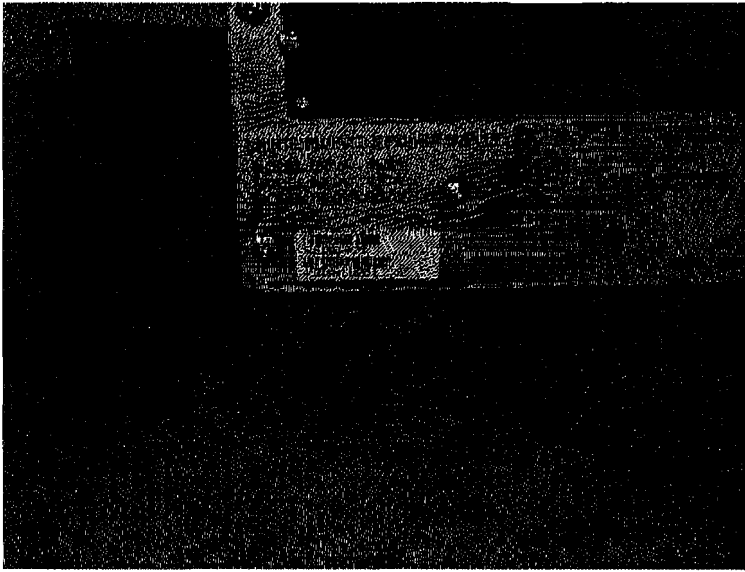


Exhibit 1.8 – Labeling on back of product
IDI 030123CNE 7732



Exhibit 1.9– Labeling on fan area on back of product
IDI 030123CNE 7732

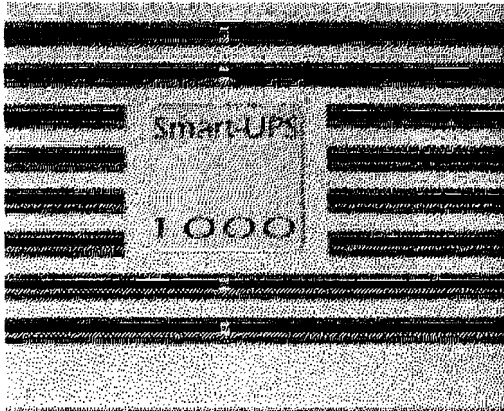


Exhibit 1.10 – Identification markings on product
IDI 030123CNE7732

**U.S. Consumer Product Safety Commission
SAMPLE COLLECTION REPORT**

| | | | | |
|--|--|---|--|--|
| 1. Sample Flag | | 2. Date Collected 1/6/03 | 3. Sample Type and Number: 03-810-2257 <input checked="" type="radio"/> Physical <input type="radio"/> Documentary | |
| 4a. Product Name COMP POWER SUPPLY | | 4b Model SU1000RM2U | 4c NEISS 0557 | 5. Assignment Number 030123CNE7732 |
| 6. Complete for Import Samples Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____ | | | 7. MIS 31102 | 8. Hours Activity <u> 8 </u> Travel <u> 1 </u> |
| | | | 9a Home RO FOER | 9b Collecting RO FOER |
| 10. Sample Cost \$0.00 | | 11. Invoice Value of Lot | | 12. Size of Lot 1 Units unt |
| 13. Manufacturer/Importer # AME250 AMERICAN POWER CONVERSION INC. 132 FAIRGRONDS WEST KINGSTON, RI 02892 | | 14. Shipper/Foreign Manufacturer | | 15. Dealer/Import Broker # FIRE PROT ENG J. NUNNEMACHER MA STATE FIRE MARSHALS OF STOW, MA 01775 |
| 16. Supporting documents attached: Invoice No. and Date: _____ Date Shipped: _____ Shipping Record and Date: _____ Affidavit Signer's name, title and date: NOT APPLICABLE | | | | |
| 17. Product Identification: Sample consists of one uninterruptible power supply with a serial number of AS0046112551 and a model number of SU1000RM2U. Labeling on the product reflects the manufacturer as "American Power Conversion, | | | | |
| 18. Reason for collection/analysis needed: <input type="radio"/> FHSA <input checked="" type="radio"/> CPSA <input type="radio"/> FFA <input type="radio"/> PPPA <input type="radio"/> RSA Section 15 investigation potential fire hazard. | | | | |
| 19. Summary of Field Screening: None. | | | | |
| 20. Sample size/Method of Collection: This sample was collected from Fire Protection Eng Jake Nunnemacher of the MA State Fire Marshal's office who obtained it from Matthew Stockwell Sytems Technician Information Systems for the MA State Fire | | | | |
| 21. Identification on sample: " 03-810-2257 SUB 1 DCB 1/6/03 " | | | 22. Identification on seal and date: "03-810-2257 David C. Burns 2/3/03 " | |
| 23a. Sample delivered to: UPS | | | 23b Date 2/3/03 | 24. Report/Record Sent to: FOER |
| 25. Laboratory/Office: LSE _____ CRC _____ LSC _____ CLD _____ | | SIU _____ WHSE <u> X </u> | Other _____ | |
| 26. Remarks: Exhibits 1. Receipt for sample dated Jan 6, 2003. | | | | |
| 27. Related Samples: None | | | | |
| 28a Collector's name/title: David C. Burns Investigator | | | 28b Collector's signature/date: <i>David C. Burns</i> 2/3/03 | |
| 29a Reviewer's name/title: Beverly J. Kohen Supervisor | | | 29b Reviewer's signature/date: <i>Beverly J. Kohen</i> 2/4/03 | |

EXHIBIT # 2 (page 1 of 2)
03 0123CNE7732

PRODUCT IDENTIFICATION

West Kingston, RI 02892. It is square in shape which measures approximately 17" in width and approx 17" in length and approx 3 1/4" in depth. It is primarily silver in color with an off white control panel. It appears to be made of metal, plastic and rubber. There is labeling on the back panel reflects a UL Listing number of 42C2 and an E listing of E95463 and a CSA listing of LR63938. There is also a removable plastic control panel with labeling on the front of it which reads in part "SMART-UPS 1000 APC"

METHOD OF COLLECTION

Marshal's office, who also works for the Westborough, MA Fire Dept. Mr. Stockwell reported this power supply was involved in an incident at the Westborough, MA Fire Dept. The power supply was contained in the original packaging and box it came in from the manufacturer. The sample was brought back to the Salem, NH Resident Post where it was identified as per block 21 and was held under lock and key from the time it was collected until it was officially sealed on Feb 3, 2003. It was prepared for shipment to the CPSC sample custodian.

REMARKS

EXHIBIT #2 (page 2 of 2)
030123 CNE 7732

Westborough Fire Dept.

| | | | | | | | | |
|----------|---------------|-------------|-----------------------------|---------------|----------------------------|-----------------|--|--------------------------|
| A | 27328 FDID | MA State | 11/24/2002 Incident Date | HQ Station | 0002869 Incident Number | 000 Exposure | <input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity | NFIRS-1 Basic |
|----------|---------------|-------------|-----------------------------|---------------|----------------------------|-----------------|--|--------------------------|

| | |
|----------|--|
| B | Location <input type="checkbox"/> Address on Wildland Form <input type="checkbox"/> Census Tract _____ <input checked="" type="checkbox"/> Street Address <u>42</u> <u>Milk</u> <u>ST</u> Number Prefix Street Type Suffix <input type="checkbox"/> Intersection <input type="checkbox"/> In front of <u>Westborough</u> <u>MA</u> <u>01581</u> Apt/Suite City State Zip Code <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions <u>Cross Street or Directions, as applicable</u> |
|----------|--|

| | | |
|---|---|--|
| C Incident Type 111 Building fire | E1 Dates & Times | E2 Shifts / Alarms |
| D Aid Given or Received 1 <input type="checkbox"/> Received Their FDID 2 <input type="checkbox"/> Automatic Rec'd 3 <input type="checkbox"/> Given Their State 4 <input type="checkbox"/> Automatic Given 0000000 5 <input type="checkbox"/> Other Aid Given N <input checked="" type="checkbox"/> None Their Incident | Alarm Mon. Day Year Time 11/24/02 17:11 Arrival <input checked="" type="checkbox"/> Arrival 11/24/02 17:11 Control <input checked="" type="checkbox"/> Control 11/24/02 17:13 Last Unit <input checked="" type="checkbox"/> Last Unit 11/24/02 17:45 Clear <input checked="" type="checkbox"/> Clear | 3 0 01 Shift Alarms Dist. E3 Special Studies ID# Value |
| | MA Only <input type="checkbox"/> Critical Incident <input type="checkbox"/> Team Mobilized <input type="checkbox"/> Circumstances _____ | |

| | | |
|---|---|--|
| F Actions Taken 11 Extinguish Primary Action Taken (1) 86 Investigate Additional Action Taken (2) Additional Action Taken (3) | G1 Resources | G2 Dollar Loss & Values |
| | Apparatus Personnel Suppression <u>1</u> <u>1</u> EMS <u>0</u> <u>0</u> Other <u>0</u> <u>0</u> <input type="checkbox"/> Check if counts include mutual aid resources | LOSSES: NONE Property <u>0</u> <input checked="" type="checkbox"/> Contents <u>0</u> <input checked="" type="checkbox"/> PRE-INCIDENT VALUE Property <u>0</u> <input checked="" type="checkbox"/> Contents <u>0</u> <input checked="" type="checkbox"/> |

| | | | |
|---|---|--|---|
| Completed Modules | H1 Casualties | H3 Hazmat Release | I Mixed Use Property |
| <input checked="" type="checkbox"/> Fire-2 <input checked="" type="checkbox"/> Structure-3 <input type="checkbox"/> Civ. Casualty-4 <input type="checkbox"/> Fire Casualty-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> Hazmat-7 <input type="checkbox"/> Wildland-8 <input type="checkbox"/> Apparatus-9 <input type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11 | <input checked="" type="checkbox"/> None Deaths Inj. Fire Service <u>0</u> <u>0</u> Civilian <u>0</u> <u>0</u> H2 Detector Altered Occupants 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No U <input type="checkbox"/> Unknown | N <input checked="" type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas 2 <input type="checkbox"/> Propane Gas 3 <input type="checkbox"/> Gasoline 4 <input type="checkbox"/> Kerosene 5 <input type="checkbox"/> Diesel Fuel/Fuel Oil 6 <input type="checkbox"/> Household Solvents 7 <input type="checkbox"/> Motor Oil 8 <input type="checkbox"/> Paint 0 <input type="checkbox"/> Other | NN <input checked="" type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly Use 20 <input type="checkbox"/> Education Use 33 <input type="checkbox"/> Medical Use 40 <input type="checkbox"/> Residential Use 51 <input type="checkbox"/> Row of Stores 53 <input type="checkbox"/> Enclosed Mail 58 <input type="checkbox"/> Business & Resid. 59 <input type="checkbox"/> Office Use 60 <input type="checkbox"/> Industrial Use 83 <input type="checkbox"/> Military Use 85 <input type="checkbox"/> Farm Use 00 <input type="checkbox"/> Other Mixed Use |

| | | |
|------------------------------|-----------------------|---------------------|
| 1st Company to Arrive E-2 | J Property Use | 889 Fire station |
|------------------------------|-----------------------|---------------------|

EXHIBIT # 3 (page 1 of 4)
 030123CNE 7732

Westborough Fire Dept.

| | | | | | | | | |
|----------|----------------------|--------------------|------------------------------------|----------------------|-----------------------------------|------------------------|--|-------------------------|
| A | <u>27328</u> =DID | <u>MA</u> State | <u>11/24/2002</u> Incident Date | <u>HQ</u> Station | <u>0002869</u> Incident Number | <u>000</u> Exposure | <input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity | NFIRS-2 Fire |
|----------|----------------------|--------------------|------------------------------------|----------------------|-----------------------------------|------------------------|--|-------------------------|

| | | | |
|--|---|--|--|
| B Property Details | | C On-Site Materials or Products | |
| B1 <u>0</u> No. of residential units in building of origin | <input checked="" type="checkbox"/> Not Residential | NNN On-site materials (1) | <input type="checkbox"/> Bulk storage or warehousing <input type="checkbox"/> Processing or manufacturing <input type="checkbox"/> Packaged goods for sale <input type="checkbox"/> Repair or Service |
| B2 <u>1</u> No. of buildings involved | <input type="checkbox"/> Bldgs not involved | <u>1</u> On-site materials (2) | <input type="checkbox"/> Bulk storage or warehousing <input type="checkbox"/> Processing or manufacturing <input type="checkbox"/> Packaged goods for sale <input type="checkbox"/> Repair or Service |
| B3 <u>0</u> Acres burned (outside fire) | <input checked="" type="checkbox"/> None <input type="checkbox"/> Less than one acre | <u>1</u> On-site materials (3) | <input type="checkbox"/> Bulk storage or warehousing <input type="checkbox"/> Processing or manufacturing <input type="checkbox"/> Packaged goods for sale <input type="checkbox"/> Repair or Service |

| | | | |
|---|--|---|---|
| D Ignition | | E1 Cause of Ignition <input type="checkbox"/> Exposure Report | E3 Human Factors Contributing to Ignition |
| D1 <u>35</u> Area of origin Computer room, control room or | | <input type="checkbox"/> Intentional <input type="checkbox"/> Unintentional <input checked="" type="checkbox"/> Failure of equipment <input type="checkbox"/> Act of nature <input type="checkbox"/> Cause under investigation <input type="checkbox"/> Undetermined after invest. | <input type="checkbox"/> Asleep <input checked="" type="checkbox"/> None <input type="checkbox"/> Possibly impaired by alcohol or drugs <input type="checkbox"/> Unattended person <input type="checkbox"/> Mentally disabled <input type="checkbox"/> Physically disabled <input type="checkbox"/> Multiple persons |
| D2 <u>10</u> Heat Source Heat from powered equipment, | | E2 Factors Contributing <input type="checkbox"/> None | <input type="checkbox"/> Age was a Factor |
| D3 <u>81</u> Item first ignited Electrical wire, cable insulation | | 30 Electrical failure, malfunction, other Factor contributing to ignition (1) | Estimated age 1 <input type="checkbox"/> Male 2 <input type="checkbox"/> Female |
| D4 _____ Type of material first ignited | | Factor contributing to ignition (2) | |
| <input checked="" type="checkbox"/> Confined to item | | | |

| | | |
|--|--|--|
| F1 Equipment Involved in Ignition <input type="checkbox"/> None | F2 Equipment Power | G Fire Suppression Factors <input checked="" type="checkbox"/> None |
| 226 Uninterrupted power supply (Equipment involved) | 11 Electrical line voltage (>=50 vol) Equipment Power Source | NNN None |
| Brand APC | F3 Equipment Portability | Fire suppression factor (1) |
| Model SU1000RM2U | <input type="checkbox"/> Portable <input checked="" type="checkbox"/> Stationary Portable equipment normally can be moved by one person, is designated to be used in multiple locations. | Fire suppression factor (2) |
| Serial # A300461125551 | | Fire suppression factor (3) |
| Year _____ | | |

| | | |
|---|--|---|
| H1 Mobile Property Involved <input checked="" type="checkbox"/> None | H2 Mobile Property Type & Make | Local Use |
| <input type="checkbox"/> Not involved in ign, burned <input type="checkbox"/> Involved in ign, did not burn <input checked="" type="checkbox"/> Involved in ignition and burned | Mobile property type _____ Mobile property make _____ Year _____ | <input type="checkbox"/> Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other agencies: <input type="checkbox"/> Arson report attached <input type="checkbox"/> Police report attached <input type="checkbox"/> Coroner report attached <input type="checkbox"/> Other reports attached |
| Mobile property model _____ | Year _____ | |
| License Plate Number _____ State _____ | VIN Number _____ | <input type="checkbox"/> Car Stolen |

EXHIBIT #3 (page 2 of 4)
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Westborough Fire Dept

11/24/2002

0002869

0

K1 Person / Entity Involved Westborough Fire Department (508) 356-3040
 Business name (if applicable) Phone

Check if same address as incident

Prefix First Name MI Last Name Suffix
42 Milk ST
 Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City
MA 01581 Westborough
 State Zip

K2 Owner Same as Person Involved Westborough Fire Department (508) 356-3040
 Business name (if applicable) Phone

Check if same address as incident

Prefix First Name MI Last Name Suffix
 Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City Insurance Co. Total Insurance
 State Zip

L Remarks
 Noticed Smoke Coming from Cabinet in Watchroom and Alerted Building Occupants. Control was established by disconnecting power to the device.

M Authorization

| | | | | | |
|------------------------------------|-------------------------------------|----------------------------------|-----------------------------------|----------------------------------|---------------------------|
| <u>788</u> Officer in charge ID | <input checked="" type="checkbox"/> | <u>Matthew Stockwell</u> Name | <u>FF/EMT</u> Position or Rank | <u>Suppression</u> Assignment | <u>11/25/2002</u> Date |
| <u></u> Member Making Report | <input checked="" type="checkbox"/> | <u></u> Name | <u></u> Position or Rank | <u></u> Assignment | <u>00/00/00</u> Date |

EXHIBIT #3 (page 3 of 4)
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Westborough Fire Dept.

11/24/2002

0002889

0

| | | | | |
|---|--|---|--|-------------------------------|
| I1 Structure Type 1 <input checked="" type="checkbox"/> Enclosed Building 2 <input type="checkbox"/> Portable/mobile structure 3 <input type="checkbox"/> Open structure 4 <input type="checkbox"/> Air supported 5 <input type="checkbox"/> Tent 6 <input type="checkbox"/> Open platform (e.g. piers) 7 <input type="checkbox"/> Underground structure 8 <input type="checkbox"/> Connective structure 0 <input type="checkbox"/> Other type of structure | I2 Building Status 1 <input type="checkbox"/> Under construction 2 <input checked="" type="checkbox"/> Occupied & operating 3 <input type="checkbox"/> Idle, not routinely used 4 <input type="checkbox"/> Under major renovation 5 <input type="checkbox"/> Vacant and secured 6 <input type="checkbox"/> Vacant and unsecured 7 <input type="checkbox"/> Being demolished 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined | I3 Bldg Height _____ 2 Stories at or above grade level _____ 1 Stories below grade level | I4 Main Floor Size _____ 5000 Total square feet OR _____ 0 _____ 0 Length (ft) BY Width (ft) | NFIRS-3 Structure Fire |
| | | | | |

| | | |
|---|--|--|
| J1 Fire Origin 1 <input type="checkbox"/> Below grade Story of Fire Origin | J3 No. of Stories Damaged by Flame Count the ROOF as part of the highest story _____ 0 Number of stories w/ minor damage (1 to 24% flame damage) _____ 0 Number of stories w/ significant damage (25 to 49% flame damage) _____ 0 Number of stories w/ heavy damage (50 to 74% flame damage) _____ 0 Number of stories w/ extreme damage (75 to 100% flame damage) | K Material Contributing Most to Flame Spread No flame spread OR same as material first ignited OR unable to determine <input checked="" type="checkbox"/> |
| | | J2 Fire Spread 2 <input checked="" type="checkbox"/> Confined to room of origin 3 <input type="checkbox"/> Confined to floor of origin 4 <input type="checkbox"/> Confined to building of origin 5 <input type="checkbox"/> Beyond building of origin |

| | | |
|--|---|--|
| L1 Presence of Detectors N <input checked="" type="checkbox"/> None Present 1 <input type="checkbox"/> Present U <input type="checkbox"/> Undetermined | L3 Detector Power Supply 1 <input type="checkbox"/> Battery only 2 <input type="checkbox"/> Hardwire only 3 <input type="checkbox"/> Plug in 4 <input type="checkbox"/> Hardwire with battery 5 <input type="checkbox"/> Plug in with battery 6 <input type="checkbox"/> Mechanical 7 <input type="checkbox"/> Multiple Detectors & PS 0 <input type="checkbox"/> Other _____ U <input type="checkbox"/> Undetermined | L5 Detector Effectiveness 1 <input type="checkbox"/> Alerted occupants they responded 2 <input type="checkbox"/> Occupants failed to respond 3 <input type="checkbox"/> There were no occupants 4 <input type="checkbox"/> Failed to alert occupants U <input type="checkbox"/> Undetermined |
| | | |

| | | | |
|--|---|--|---|
| M1 Presence of Auto. Exting. System N <input type="checkbox"/> None Present 1 <input checked="" type="checkbox"/> Present | M2 Type of Automatic Extinguishment 1 <input checked="" type="checkbox"/> Wet pipe sprink. 6 <input type="checkbox"/> Halogen sys 2 <input type="checkbox"/> Dry pipe sprink. 7 <input type="checkbox"/> CO2 system 3 <input type="checkbox"/> Other sprink sys 0 <input type="checkbox"/> Other system 4 <input type="checkbox"/> Dry chem. sys U <input type="checkbox"/> Undetermined 5 <input type="checkbox"/> Foam system | M3 Automatic Extinguishment System Operation 1 <input type="checkbox"/> Operated & effective 2 <input type="checkbox"/> Operated & not effective 3 <input checked="" type="checkbox"/> Fire too small to activate 4 <input type="checkbox"/> Failed to operate 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined | M5 Failure Reason 1 <input type="checkbox"/> System shut off 2 <input type="checkbox"/> Not enough agent 3 <input type="checkbox"/> Agent discharged but did not reach fire 4 <input type="checkbox"/> Wrong type of system 5 <input type="checkbox"/> Fire in unprotected area 6 <input type="checkbox"/> System damaged 7 <input type="checkbox"/> Lack of maintenance 8 <input type="checkbox"/> Manual intervention 0 <input type="checkbox"/> Other _____ U <input type="checkbox"/> Undetermined |
| | | M4 Number of Sprinklers _____ 0 | |

EXHIBIT #3 (page 4 of 4)
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APC Returns
1600 Division Rd.
Dock 25
West Warwick, RI 02893

(401) 789-5735
FAX (401) 789-3710

(800) 443-4519

| | | | |
|--|------------------------------|----------------|-------------------|
| Date 11/25/2002 18:50:06 | Initials | | RMA 743449 - 1 |
| Contact Mathew Stockwell | Telephone 11 508-366-3040 | Shipped Via | Date Shipped |
| Ship to Town Of Westborough 34 West Main Street Westborough , MA 01581 USA SU1000RM2U IN RMA CROSS 2 | | | |
| Model AS0046 | Warranty Status APC Acct | Repair Cost | |
| Serial | Payment Method | Account Number | |
| Problem Smoke/sparking Ship to customer using : UPS ground | | | |
| Corrective Action | | | |

EXHIBIT # 4 (page 1 of 1)
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030123CNE7732

Exhibit # 5

Contact Sheet

Jake Nunnemacher

Fire protection Engineer

MA State Fire Marshal's Office

State Road

Stow, MA 01775

1/6/03 sample collection

Matthew R. Stockwell

Complainant

(Firefighter-Westborough, MA (incident location))

(Network Technician – MA State Fire Marshal's Office)

State Road

Stow, MA 01775

978-567-3124

1/6/03 interview at Fire Marshal's Office

3/6/03 follow-up telephone interview



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

[Handwritten Signature]
(Signature)

3/6/03
(Date)

EXHIBIT #6 (page 1 of 1)
030123 CNE 7732

CONSUMER PRODUCT INCIDENT REPORT

| | | | |
|---|--|--|--|
| 1. Name of Respondent Matthew R. Stockwell | | 2. Telephone No. (Home) (Work) (978) 567-3124 | |
| 3. Street Address MA State Fire Marshal | | 4. City State Zip Code Stow MA 01775 | |
| 4a. E-Mail Address _____ | | | |
| 5. Describe accident situation or hazard, including date on injuries. (Use second page if necessary.) Mr. Stockwell who works for the MA State Fire Marshal's and the Westborough, MA Fire Department reported an incident in which a computer power supply being used at the Westborough, MA Fire Department began emitting smoke while in use at the Westborough, MA Fire Dept on November 24, 2002. <div style="text-align: right; margin-right: 100px;"> ISSUE 18 11/26/2003 </div> | | | |
| 6. Date of incident(s) 11-24-02 | | 7. If injury or near miss, obtain Age Sex and describe injury M No injury | |
| 8. If victim different from respondent, provide Name: Relationship: _____ | | 9. Description of Product Uninterruptible computer power supply. | |
| 10. Brand Name APC | | 11. Manufacturer/Distributor Name, Address & Phone American Power Conversion 132 Fairgrounds Road West Kingston, RI 02892 | |
| 12. Model, Serial No.'s SU1000RM2U | | 13. Dealer's Name, Address, & Phone Fire Prot Eng J. Nunnemacher Office of MA State Fire Marshal Stow, MA 01775 | |
| 14. Was the product damaged, repaired or modified? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, before or after the incident? Describe: After the incident | | 15. Product purchased Near Used Date Age _____ | |
| 16. Does product have warning labels? Yes No If so, Note: _____ | | 17. Have you contacted the manufacturer? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, Do you plan to contact them? Yes <input type="checkbox"/> No <input type="checkbox"/> Other _____ | |
| 18. Is the product still available? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, its disposition _____ | | 19. May we use your name with this report? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| FOR ADMINISTRATION USE | | | |
| 20. Date Received 1/16/03 | | 21. Received by (Name & Office) David C. Burns, FOER | |
| 22. Document No. N031-0075A | | 23. Follow-Up Action 030123CNE 7732 | |
| 24. Product Code(s) _____ | | 25. Distribution EHS/FOER/BJK | |
| 26. Endorser's Name & Title _____ | | | |

030321

| | | | | |
|---|---|--|--|---|
| 1. Task Number 030129CCN0301 | | 2. Investigator's ID 9076 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 830 | 4. Date of Accident YR MO DAY 2003 01 25 | 5. Date Initiated YR MO DAY 2003 01 29 | | |
| 6. Synopsis of Accident or Complaint UPC 731304 A fire started in a utility closet in a clinic suite in a hospital and resulted in more than \$200,000 in damage. Fire investigators determined that the area-of-origin was in the area where a battery Back-up Power Supply System (UPS) was connected to a telephone switching terminal. The manufacturer of the UPS unit recalled two other models of UPS units in January 2003, but the subject model was not included. | | | | |
| 7. Location (Home, School, etc) 7 - INDUSTRIAL PLACE | | 8. City NAPERVILLE | | 9. State IL |
| 10A. First Product 557 - Computers (equipment And Elec | 10B. Trade/Brand Name APC UNINTERRUPTABLE POWER SOURCE | | 10C. Model Number SMARTUPS 2200XLT | |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 557 - Computers (equipment And Elec | 11B. Trade/Brand Name APC BACK-UP BATTERY PACK 48V | | 11C. Model Number SU48XLBP | |
| 11D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston 02892 | | | | |
| 12. Age of Victim 0 | 13. Sex 0 - Not Stated | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | 19. Time Spent (Operational / Travel) 25 / 5 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 01 - Fire or Police Dept. | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 03/14/2003 | 25. Reviewed By 8929 | | 26. Regional Office Director Eric B. Ault | |
| 27. Distribution Moro, Robert E.; Poole, Georgia F. | | | 28. Source Document Number G0310294A | |

OC 2/17/04

COMMENTS: YES NO
 OVERRULED: ATTACHED
 EXCLUSION/FOIA Ex. *2bc*
Reference
 DO NOT RE-NOTIFY RE-NOTIFY

IDI: 030129CCN0301

SUMMARY:

A fire that started in the utility room of a hospital medical office suite caused more than \$200,000 in damage. Investigators determined that the point-of-origin of the fire was located where an un-interruptible power source (UPS) battery back-up unit for a telephone switching terminal was connected to a voltage inverter. A technician replaced the UPS unit with a new one and installed an add-on battery pack accessory the day before the fire occurred.

The manufacturer of the UPS unit involved voluntarily recalled two other models of UPS units on January 14, 2003, (#03-068) citing an overheating hazard with those models. The unit involved in this fire was apparently not included in the recall.

Insurance investigators collected the UPS unit, battery-pack, voltage converter, telephone terminal and various other items for examination and testing. A joint-examination of the items is planned in the future, but has not yet been scheduled. The Director of Safety for Edward Hospital stated that the investigators found that a manual had been left on top of the UPS, which supported combustion.

Note: The Fire Department in this jurisdiction will not provide copies of their investigation reports, unless they are subpoenaed. *At the time of this report, the joint examination of the subject UPS unit and other items has not yet been scheduled.

PRE-INCIDENT:

The location of the fire is a 4' x 8' utility room with a suspended ceiling, located in the center of the office suites of an orthopedic medical clinic, located on the fourth floor of Edward Hospital. The room contained various pieces of equipment, including a telephone-switching terminal with a monitor on top of it, a power converter connected to the terminal, a 208-volt un-interruptible power source (UPS) connected to the power converter, and a 48-volt add-on battery pack attached to the UPS unit. No fire sprinkler was installed in the room.

The ITS manager for the DuPage Medical Group, (the tenant medical clinic), replaced the un-interruptible power source (UPS) unit with a new one that he had purchased from a supplier on 01/14/03. He states that the unit was identical to the one that was installed before. In addition, he purchased an accessory add-on battery pack, which attaches to the UPS unit (to extend the battery time), from the same supplier and installed that on the same date. The UPS unit was located on the floor adjacent to the power converter, and the power converter was located between the UPS and the telephone terminal. The battery pack was located on top of the UPS unit. He stated that the UPS unit was plugged into a 208-volt receptacle by itself with a twist-lock type plug. The battery pack was plugged into a receptacle on the back of the UPS, and the UPS unit plugged into the power converter.

INCIDENT:

On 01/25/03 at 08:00 am, the Fire Department received a smoke alarm call from the hospital and responded. Upon arrival, they determined that the source of the smoke was in the utility room, made entry into the locked room through the wall and quickly extinguished the fire. Fire Department investigators determined that the point-of-origin of the fire was at the UPS unit. The flame and heat damage was contained within the utility room, however smoke damage extended throughout the entire suite.

POST-INCIDENT:

The day following the incident, fire and insurance company investigators jointly processed the fire scene and collected various evidence and equipment to be jointly tested and examined at a later date. The Fire Department and Edward Hospital officials estimated the damage was in excess of \$200,000.

On 02/28/03, the Fire Department investigator who responded to the fire contacted me by telephone and reported the incident to me. He stated that had occurred on Saturday morning at the Edward Hospital and that they had determined, and the insurance investigators that were present had agreed, that the source of the fire was the UPS unit. He stated that the insurance companies had taken the unit and were going to have it examined. He stated that they had discovered that the same manufacturer had recently recalled several UPS units, and they believed that this was one of the same units.

I met with the Director of Safety for Edward Hospital who stated that the point-of-origin of the fire had been the UPS unit at the heavy-duty output cable. He stated that the UPS unit was connected to a telephone switch in the utility closet in the clinic's office suite. He stated that the fire load had been from the floor up, and that a manual had been found on top of the UPS, and had supported combustion. A large number of additional manuals were also located in the room and no sprinkler head had been installed in the room. He further stated that an employee of the clinic manages their ITS function, and had just installed (replaced) the subject UPS unit the day before the fire. He further stated that the insurance investigators had indicated that they believed the unit involved was one of the ones that had been involved in the recent recall from the same manufacturer.

The Director provided me with a copy of the Fire Department incident report and with photographs of the scene taken when the investigators jointly processed the scene and collected the UPS and other evidence for later examination. He stated that the hospital had hired a fire investigator to represent them, and that the insurance company had retained an engineering firm to conduct the testing and to host the joint examination to be scheduled at a later time.

On the same date, I met with the Edward Hospital Safety Manager (who works for the Director) and accompanied him to the scene of the fire. None of the fire damage remained at that time and the office suite was in the process of being rehabilitated.

I contacted the Fire Investigator who was retained by Edward Hospital and spoke with him about the incident. He stated that the UPS unit was collected along with other items of evidence from the scene, including the electrical wiring and other equipment. He stated that the power converter was a 48 to 110-volt unit, and had been connected to the UPS unit with an umbilical. The UPS unit had been connected to a power outlet that was separate from any of the other pieces of equipment in the room.

He stated that the evidence collected, including the UPS unit, was currently stored at the engineering laboratory where a joint examination and testing was going to be conducted at some date in the future. He indicated that reports would not be completed until the evidence was examined. I informed him that I wished to be present when the examination took place, and he agreed to notify me when was scheduled so that I could attend. He subsequently provided me with a copy of the inventory of the items that were collected from the scene.

I contacted the ITS manager for the DuPage Medical Group (which operates the clinic) and interviewed him. He stated that he replaced the UPS unit with a new one, and had also added an accessory battery pack that was designed specifically for the unit to extend the battery time, on the day prior to the fire. He stated that the new UPS unit was identical to the one that it replaced, and that he purchased it and the battery pack from a supplier a short time before he installed it. He stated that he also purchased one of each of the two units for another location, but had not installed them.

He stated that between noon and 2:00 PM. on the day prior to the fire, he installed the UPS and battery pack in the utility room. He stated that he disconnected the old unit and installed the new one the same cables and plugs that had been attached to the original unit. He described the approximate locations of all of the equipment located in the area of origin prior to the fire. He stated that the UPS had been connected to a separate 208-volt receptacle with a twist-lock plug.

He stated that he did not recall having left anything on top of the UPS unit when he left, but if he did, it would have been the instruction manual for the unit. He provided me with copies of the shipping documents for the units that he had purchased, including the UPS and Battery Pack that he had installed at the fire scene.

NOTE: Although the UPS unit (and battery pack) were manufactured by the same firm, that issued a recent recall, the model number of the subject unit does not appear to be included in the recall (#03-068 - January 14, 2003).

IDI: 030129CCN0301

-4-

NOTE: Engineering Firm location where the joint examination of the product and other items is going to be held:

Richard M. Hansen & Associates, Inc
950 DuPage Avenue
Lombard, IL 60148
(630) 495-3853

PRODUCT IDENTIFICATION:

American Power Conversion (APC) brand:

- **Un-interruptible Power Supply - 208Volt**

Model: SmartUPS - 2200XL 208V – 5RCPTL
Vendor Item#: SU2200XLTNET
UPC: 731304007906

- **Battery Pack – 48volt**

Model: SmartUPS – 48V BATTERY PACK
Vendor Item#: SU48XLBP
UPC: 731304011637

VENDOR:

CDW Computer Centers
1 Technology Drive
Swedesboro, NJ 08085

MANUFACTURER/ DISTRIBUTOR:

American Power Conversion Corporation
West Kingston, RI

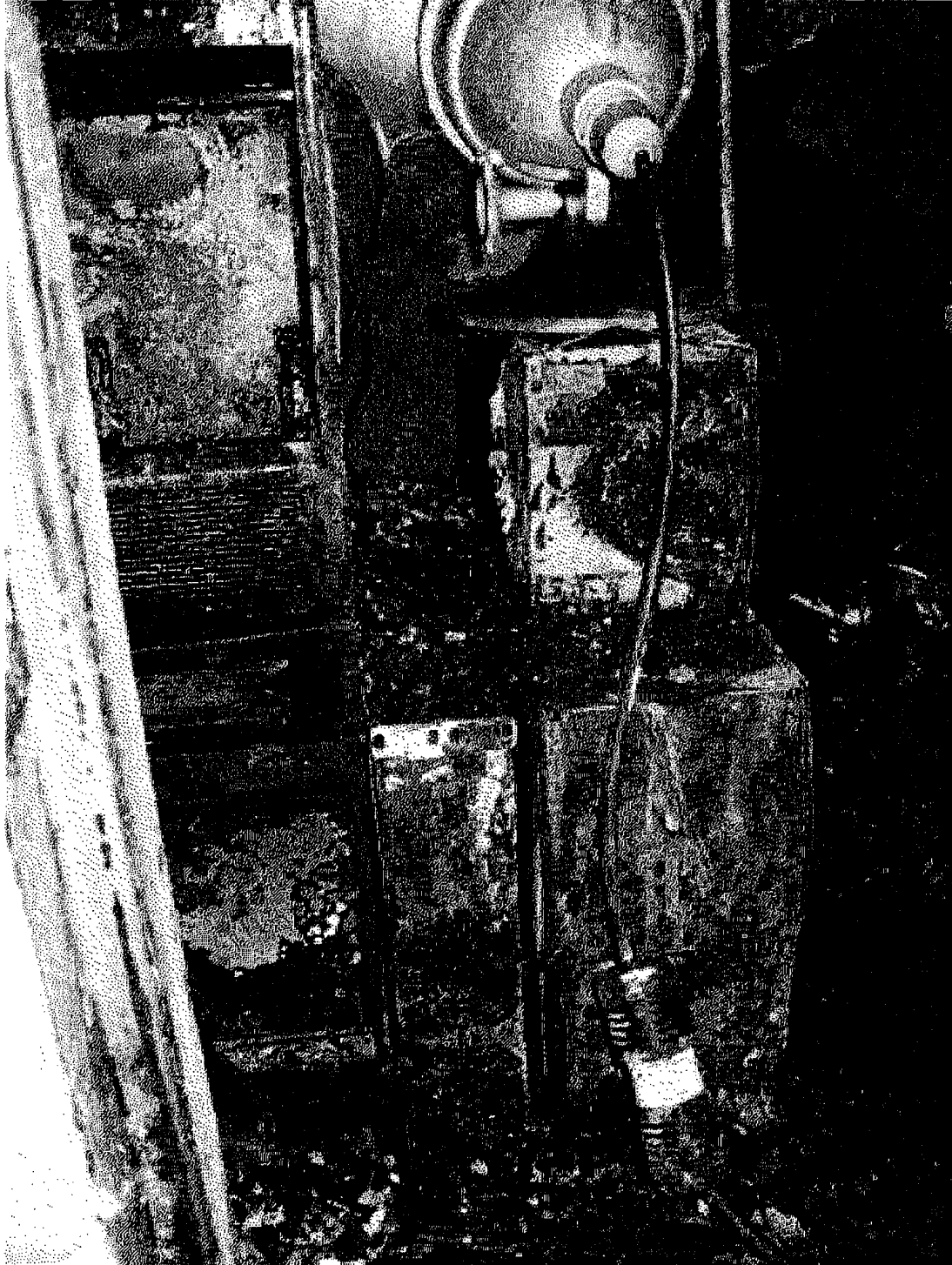
SAMPLES:

No samples were collected. The insurance companies involved collected the subject products for joint examination and testing at a future date.

ATTACHMENTS:

- Exhibit 1:** Photographs
- Exhibit 2:** Building Floor Diagram
- Exhibit 3:** Fire Department Incident Report
- Exhibit 4:** Medical Group Invoices
- Exhibit 5:** Product Data
- Exhibit 6:** APC Recall Notice
- Exhibit 7:** Fire Investigators Inventory
- Exhibit 8:** Fire Investigation Report
- Exhibit 9:** Contacts

Photo of equipment in area-of-origin. The UPS is pictured on right with the battery pack on top of it. The power converter is between the UPS and telephone terminal.



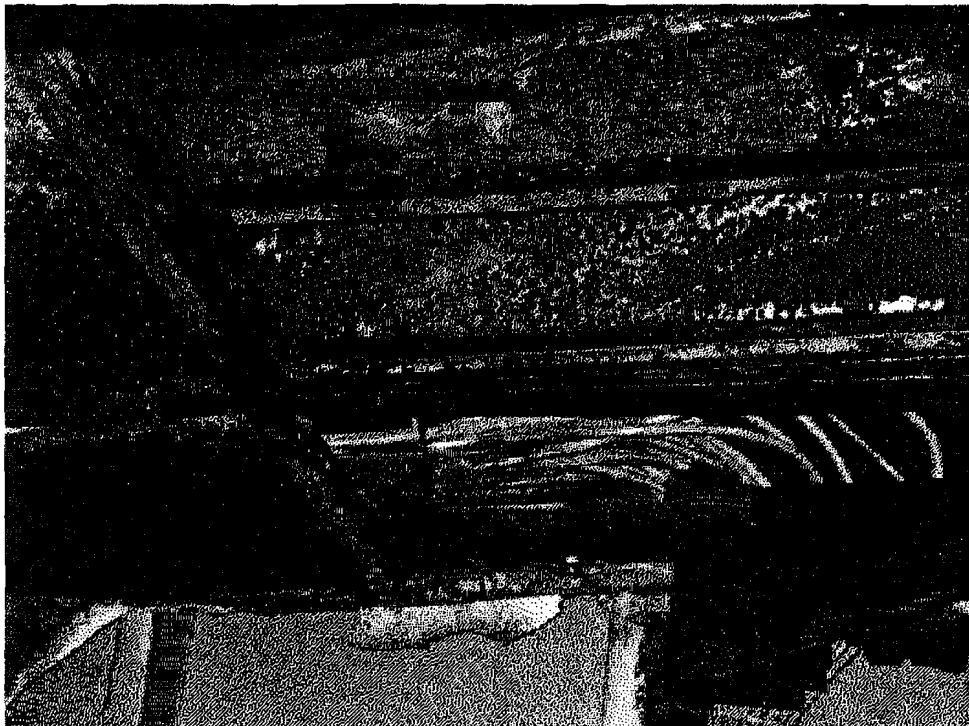
Battery pack is located on top of the UPS unit.







Photos depict heavy corrosion on ceiling area above the area where the UPS, battery pack, power converter and terminal were located.



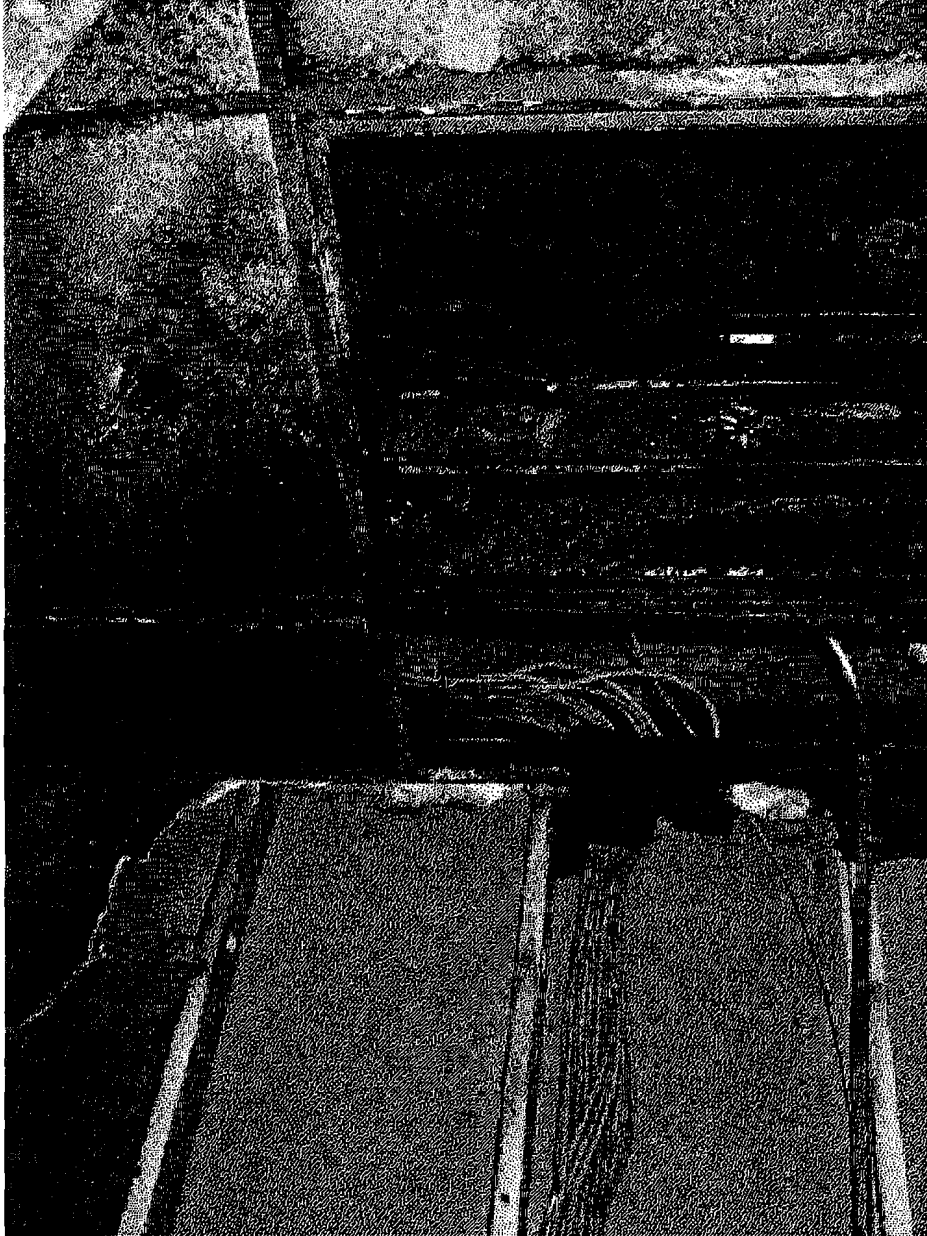


Photo shows area behind the UPS and battery pack (on left).



Additional view behind terminal, converter and UPS (on extreme lower left)



Top of the battery pack viewed from the back toward wall. There appear to be indications that something was resting on top of the unit, and may have partially melted.



View looking down at the backside of the UPS with the battery pack on top. The wall behind the equipment is located at the upper right corner of this photo. The telephone terminal is pictured in the upper left corner.



The outlets located behind the units. The UPS was apparently plugged into the one pictured on the lower right.



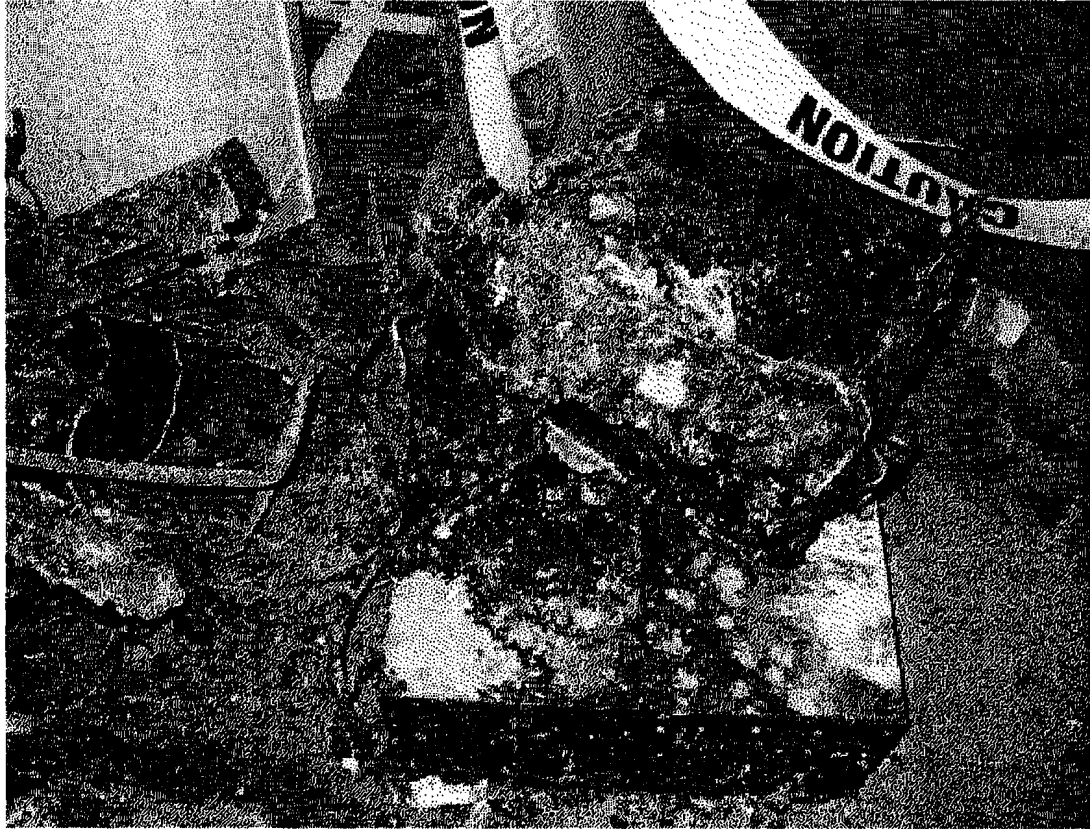
Close-up view of the front of the battery pack.



Photo of the UPS and power converter connected together.



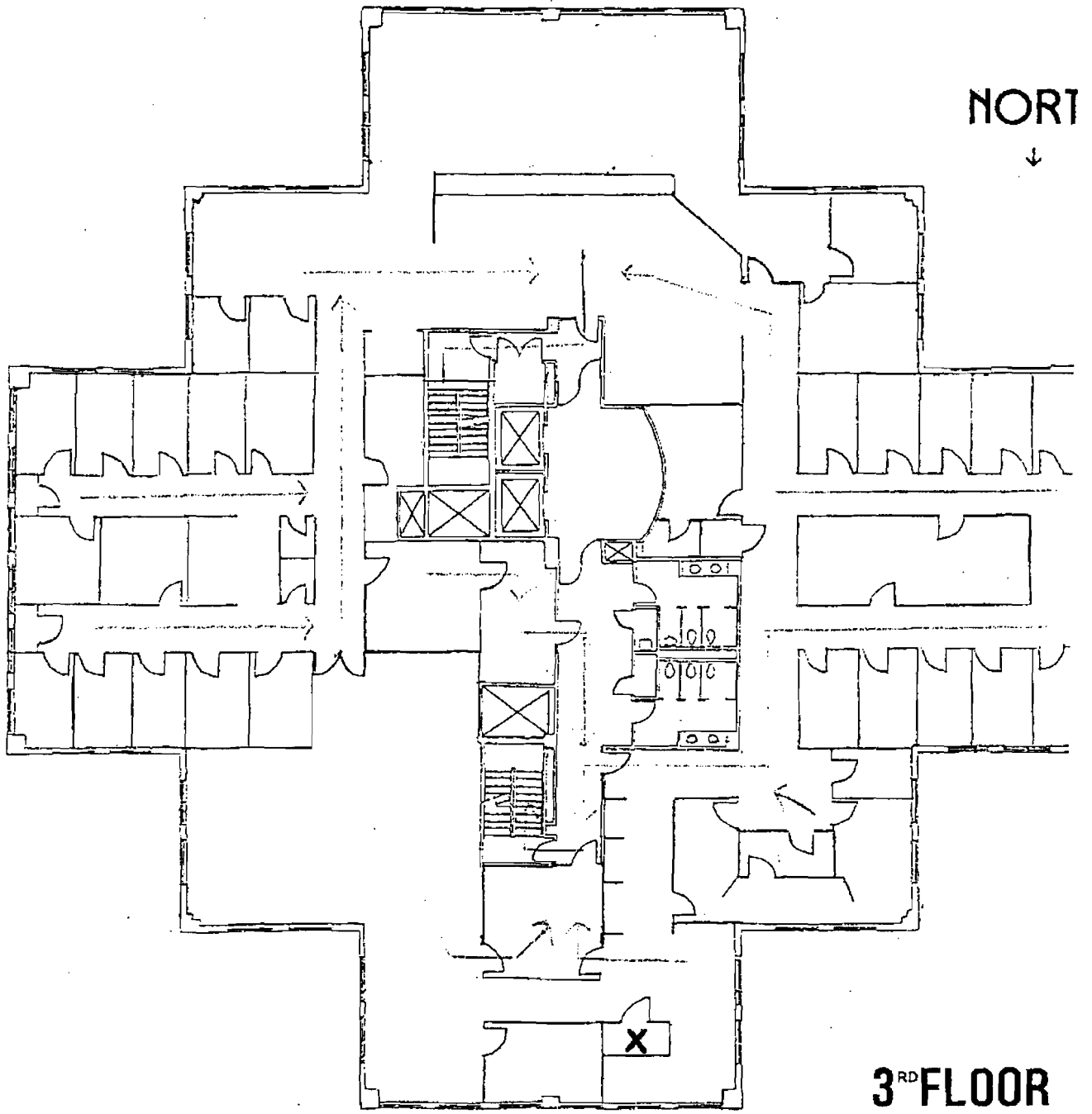
Photo of the UPS (bottom) and power converter connected together.



EMERGENCY EVACUATION ROUTES

030129CCN0301 EXHIBIT # 2

Building Diagram



3RD FLOOR

USE STAIRS * DO NOT USE ELEVATORS

=FIRE-EXTINGUISH

030129 CCN0301

EXHIBIT #3

NAPERVILLE FIRE DEPARTMENT

Incident Report

Prepared: 1/27/03, 9:46:56
Program: FI200L

A DD132 IL 1/25/03 Sta #7 01-2003-0000645-000 NFIRS - 1
FDID State Incident date Station Incident number Basic

B No 8465.04 Street address Yes
Alternative location Census tract Location Emergency

(b)(6) NAPERVILLE, IL, 60540
Address

C Building fire
Incident type

D None
Aid given or received

E1 Date Time E2 SHIFT 2 5 District 1
Alarm 1/25/03 8:00:38 Shift Alarms District
Arrival 1/25/03 8:05:25
Controlled 0/00/00 0:00:00
Last unit cleared 1/25/03 10:45:21

F Extinguish Salvage & overhaul
Primary action taken (1) Additional action taken (2)
Evacuate area
Additional action taken (3)

G1 Yes Apparatus Personnel No G2 Losses Value
Apparatus/ Suppression 8 25 Resource counts Property 100000 4000000
Personnel EMS 2 4 include aid Contents 150000 2000000
Form used other 3 1 received resources

H1 Deaths Injuries H2 Detector alerted occupants H3 None
Fire service 0 0 Detector Hazardous materials release
Civilian fire 0 0

I Not mixed use J Clinics, Doctors offices, hemodialysis centers
Mixed use property Property use

K2 EDWARD HOSPITAL
Name Phone number Business name
801 S WASHINGTON ST, NAPERVILLE, IL, 60540 00000000
Address Gender Age Birth date Race

M RICHARD MIKEL DC IC 1/25/03
Officer in charge Position or rank Assignment Date
DAVID FERRERI Lt Officer 1/25/03
Member making report Position or rank Assignment Date

OFFICIAL DEPARTMENT COPY

By: RV Date: 1/27/03

OFFICIAL DEPARTMENT RECORD
Naperville Fire Department
1380 Aurora Avenue
Naperville, IL 60540

NAPERVILLE FIRE DEPARTMENT
Prepared: 1/27/03, 9:46:56
Program: FI200L

Incident Report

Page 2

A DD132 IL 1/25/03 Sta #7 01-2003-0000645-000 NFIRS - 2
FDID State Incident date Station Incident number Fire

B1 Not residential C None None
Estimated number of residential units Cn-site material 1 Material 1 storage use

B2 1
Number of buildings involved

B3 None
Acres burned (outside fires)

D1 Equipment or service area, other E1 Cause undetermined after investigation
Area of fire origin Cause of ignition

D2 Arcing E2 Unspecified short-circuit arc
Heat source Factor 1 contributing to ignition

D3 Storage supplies, other E3 None
Item first ignited Human factors contributing to ignition
No
Spread confined to object of origin

D4 Type of material first ignited, other
Type of material first ignited

F1 Electronic equipment, other F2 Undetermined
Equipment involved in ignition Equipment power
A.P.C. F3 Stationary
Brand Equipment portability
UNKNOWN AT THIS TIME
Model
SAME
Serial number
2003
Equipment year

G Trouble finding location
Fire suppression factor 1

H1 None H2
Mobile property involved Mobile property type
Mobile property make
Mobile property model
0000
Year License plate State VIN

OFFICIAL DEPARTMENT COPY

By: TV Date: 1/27/03

OFFICIAL DEPARTMENT REC
Naperville Fire Department
1380 Aurora Avenue
Naperville, IL 60540

NAPERVILLE FIRE DEPARTMENT
Prepared: 1/27/03, 9:46:56
Program: FI200L

Incident Report

Page 3

A DD132 IL 1/25/03 Sta #7 01-2003-0000645-000 NFIRS - 3
FDID State Incident date Station Incident number Structure fire

I1 Enclosed building I2 Occupied and operating
Structure type Building status
I3 4 1 I4 10000
Stories at/above grade Stories below grade Total square feet

J1 3 No J2 Minor Significant Heavy Extreme
Story of fire origin Below grade Number of stories (1-24%) (25-49%) (50-74%) (75-100%)
J2 Confined to room of origin damaged by flame 1 0 0 0
Fire spread

K1 Storage supplies, other K2 Plastic
Item contributing most to flame spread Type of material contributing most to flame spread

L1 Present L3 Hard wire only
Presence of detectors Detector power supply
L2 Undetermined L4 Undetermined
Detector type Detector operation

M1 None present
Presence of extinguishing system

OFFICIAL DEPARTMENT COPY

By: AK Date: 1/27/03

OFFICIAL DEPARTMENT RECORD
Naperville Fire Department
1380 Aurora Avenue
Naperville, IL 60540

NAPERVILLE FIRE DEPARTMENT

Incident Report

Page 4

Prepared: 1/27/03, 9:46:56

Program: FI200L

| A | BDL32 IL | 1/25/03 | Sta #7 | 01-2003-0000645-000 | |
|---|------------------------------------|---------------|---------|--|------------------------|
| | FIDB State | Incident date | Station | Incident number | Additional information |
| | Day of week | | | 007 Saturday | |
| | County (001=Dupage / 002=Will) | | | 001 Dupage County | |
| | Common Name | | | EDWARD PHYSICIANS OF | |
| | Method of alarm | | | 2 Coded signal municipal fire alarm system | |
| | Area (001=City, 002=Dist, 003=M/A) | | | 001 City | |
| | Reviewing Officer | | | 182 Voiland, Daniel | |
| | Review Date | | | 012703 FORMAT=MDDYY | |

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OFFICIAL DEPARTMENT RECORD
Naperville Fire Department
1820 Aurora Avenue
Naperville, IL 60540

By: AV Date: 1/27/03

NAPERVILLE FIRE DEPARTMENT
Prepared: 1/27/03, 9:46:56
Program: FI200L

Incident Report

| | | | | | |
|---|------------|---------------|---------|---------------------|------------|
| A | DD132 IL | 1/25/03 | Sta #7 | 01-2003-0000645-000 | |
| | FDID State | Incident date | Station | Incident number | Narratives |

Narrative type: Incident

| Narrative title | Entry date | Entered by employee |
|---|------------|---------------------|
| ORIGINAL COMMENTS | 1/25/03 | 589 DAVID FERRERI |
| Engine 7 responded as part of a full still assignment to an activated alarm at a 4-story medical office building. Upon arrival I met with building maintenance and security personnel who told me there was a duct detector activation in the basement, and they thought it was due to a bad blower motor in an air-handling unit. There was an odor of something burning as I entered the stairwell and descended to the basement. I was shown the suspected bad motor (the HVAC system had been turned off by maintenance). The odor was of class A combustibles burning, not a motor. The alarm was down graded at this time at my recommendation. Engine 7 and Ladder 7 companies began to search the area for another source, and after being unsuccessful, began moving upstairs. I checked the alarm panel and found that 3rd floor activations were indicated. Ladder 7 moved to the 3rd floor and reported smoke in the stairwell. I requested an upgrade in the alarm at this time. Heavier smoke was found in the 3rd floor lobby. The 3rd floor was unoccupied at the time and we had to contend with locked doors. A fully involved utility closet was found toward the center of the floor. A 2 1/2 hand line was used to easily control the fire. Heavy smoke filled the entire third floor. Other arriving fire companies assisted in smoke removal. Several windows were broken out in an effort to clear the smoke. Mechanical ventilation was also utilized. Smoke removal was also needed on the 2nd and 4th floors. Fire damage was contained to the utility closet and space directly above it. There was no fire spread to the 2nd or 4th floor. Though the building is fully sprinklered, there was not a sprinkler head in the utility closet, and there was no sprinkler activation. There were no injuries to civilians or firefighters. At the time of this report the fire cause is under investigation. | | |

| Narrative title | Entry date | Entered by employee |
|--|------------|-----------------------|
| Dollar Loss | 1/25/03 | 843 DANIEL J. VOILAND |
| The dollar loss and contents figures are estimates only. The Fire Department is waiting to receive these figures from Edward Hospital representatives. | | |

OFFICIAL DEPARTMENT COPY

By: RV Date: 1/27/03

OFFICIAL DEPARTMENT RECORD
Naperville Fire Department
1300 Aurora Avenue
Naperville, IL 60540



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| SHIP TO: | SHIP FROM: | DATE SHIPPED: | CUSTOMER PO/TEL: | LOAD #: |
|--|---|---------------|------------------|---------|
| GLEN ELLYN CLINIC/ DMG 100 SPALDING DR 3RD FL PEDIATRICS DEB LAWRENCE NAPERVILLE, IL 60540 | CDW COMPUTER CENTERS 3310 WM RICHARDSON CT SOUTH BEND, IN 46628 | 01/14/03 | | 538289 |
| | | | ORDER #/LINE: | 1 |
| | | | ORDER #/LINE: | |
| | | | LEE CODDING | |

| QUANTITY | UNIT | ORDER LINE | ITEM # | VENDOR ITEM # | UFG# | ITEM DESCRIPTION |
|----------|------|------------|----------|---------------|------|-----------------------------------|
| 1 | EA | 1 | SU48XLBP | 731304011637 | | SMARTUPS 48V BATT PK FOR SU2200XL |

CONTAINER ID: 015134808742847
S/N: WS0247130928

TOTAL NUMBER OF ITEMS: 1
SHIP VIA: FEDEX GROUND
PACKER: JERRY WILSON

CONTAINER ID: 015134808742847
WEIGHT: 74.50
NUMBER OF PIECES: 1



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030129 CCN0301 EXHIBIT 4



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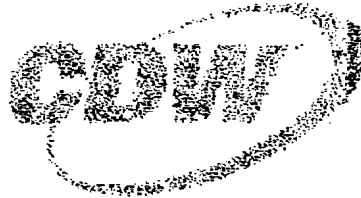
| TO | SHIPPED FROM | DATE SHIPPED | CUSTOMER PO/BET | LOAD # | | |
|--|--|--------------|-----------------|-----------------|--------------|------------------------------|
| ELLYN CLINIC/ DMG SPALDING DR FL PEDIATRICS LAWRENCE ERVILLE, IL 60540 | CDW COMPUTER CENTERS 1 TECHNOLOGY DRIVE SWEDESBORO, NJ 08085 | 01/14/03 | | 871832 | | |
| | | | | # OF CONTAINERS | | |
| | | | | 1 | | |
| | | | ORDER TAKEN | | | |
| | | | LEE CODDING | | | |
| CUSTOMER CONTACT: JOHN | | | | | | |
| SHIP TO | UNIT | ORDER LINE # | ITEM # | VENDOR ITEM # | UPC # | ITEM DESCRIPTION |
| 1 | EA | 1 | | SU2200XLNET | 731304007906 | SMARTUPS 2200 XL 208V 5RCPTL |

CONTAINER ID: WCP-001112
SIN: WS0250151184

TOTAL NUMBER OF ITEMS: 1
SHIP VIA: WATKINS
PACKER: TERRI PATTI

CONTAINER ID: WCP-001112
WEIGHT: 156.00
NUMBER OF PIECES: 1

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-4272
MURK Doc Douglas



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Case #
2189587
Michele

630 694 8898;

19 Feb 03 8:14AM; Job 428; Page 3/3



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PAGE 1 of 1

Sent By: GLEN ELLYN

| SHIP TO | SHIPPED FROM | DATE SHIPPED | CUSTOMER PO REF | LOAD # | | |
|--|---|--------------|-----------------|-----------------|------|------------------|
| WOODRIDGE FAMILY MED 409 WOODRIDGE DR TE A AVE WIJAS WOODRIDGE, IL 60517 | CDW COMPUTER CENTERS 3310 WM RICHARDSON CT SOUTH BEND, IN 46628 | 01/20/03 | | 464769 | | |
| | | | | # OF CONTAINERS | | |
| | | | | 2 | | |
| | | | | ORDER TAKER | | |
| | | | | KAREN LEWIS | | |
| CUSTOMER CONTACT: JOHN | | | | | | |
| QTY SHIPPED | UM | ORDER LINE# | ITEM # | VENDOR ITEM # | UPC# | ITEM DESCRIPTION |

1 EA 1 SU2200XLNET 731304007906 SMARTUPS 2200 XL 208V 5RCPTL

CONTAINER ID: 405167463
S/N: WS0252150421

1 EA 2 SU48XLBP 731304011637 SMARTUPS 48V BATT PK FOR SU2200XL

CONTAINER ID: 405167463
S/N: WS0247231016

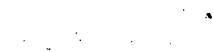
TOTAL NUMBER OF ITEMS: 2
SHIP VIA: AMERICAN FREIGHTWAYS
PACKER: JOHN GILMER

CONTAINER ID 405167463
WEIGHT 229.00
NUMBER OF PIECES 2

630 684 8898

13 Feb 03 8:14AM; Job 428; Page 2/3

030129CCN0301 EXHIBIT #5a



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Product Support

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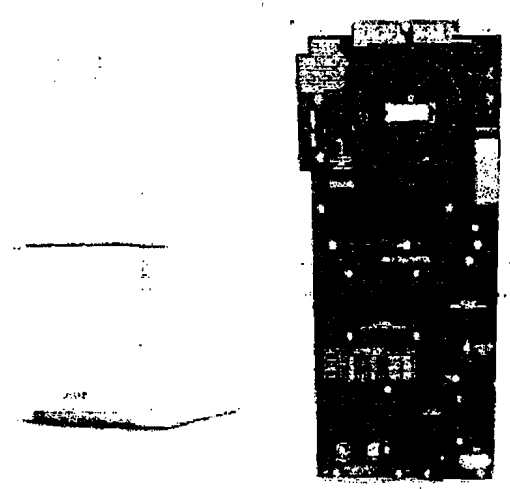
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APC Smart-UPS 2200VA XL 208V

Part Number : SU2200XLTNET

Estimated Resale Price : 1,150.00 USD *

Options [View All Options](#)



Product Overview

Description

APC Smart-UPS XL, 2200VA/1600W, Input 208V/ Output Interface Port DB-9 RS-232, SmartSlot, Extended runtime

Features

Automatic Voltage Regulation (AVR), Built-in SmartSlot, 1 Batteries, Intelligent Battery Management, Overload Indic Batt Indicator, Scalable Run Time, Software, User Replac batteries

Includes

User Manual, Smart UPS signalling RS-232 cable, CD wit

UPC Code

731304007906

Options

Optional Versions

[Click here to view optional versions.](#)

Optional AC Connections

[Click here to view optional AC Connections.](#)

Optional Batteries

[Click here to view optional Batteries.](#)

Optional Management Devices

[Click here to view optional Management Devices.](#)

Optional Service

[Click here to view optional Service.](#)

Optional Software

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Documentation




User Manual & Installation Guides

- [Smart-UPS and Smart-UPS RM - XL \(Taiwan\); User Manual](#)
- [Smart-UPS and Smart-UPS RM - XL; User Manual](#)
- [Smart-UPS and Smart-UPS RM - XLT 1400/2200/300 \(208VAC\); User Manual](#)


Communications & Management

| | |
|---|---|
| Interface port | DB-9 RS-232 , SmartSlot |
| Available Smart Slot Interface Quantity | 1 |
| Control panel | LED status display with load and battery bar-graphs and (Battery : Replace Battery : and Overload Indicators |
| Audible alarm | Alarm when on battery : distinctive low battery alarm : cor delays |
| Emergency Power Off (EPO) | Optional |
| Included Software | <u>PowerChute Smart-UPS Bundle</u> |

Output

| | |
|------------------------|--|
| Output power capacity | 2,200 VA |
| Output power capacity | 1,600 Watts |
| Nominal output voltage | 208 V |
| Output Voltage Note | 2 NEMA 5-15R receptacles provide a total of 400VA at 12 |
| Waveform type | SINE |
| | (2)NEMA 5-15R  |
| Output Connections | (1)NEMA L6-20R  |
| | (2)NEMA L6-30R  |

Input

| | |
|--|---|
| Nominal input voltage | 208 V |
| Input frequency | 50/60 Hz +/- 3 Hz (auto sensing) |
| Input Connection Type | NEMA L6-20P  |
| Cord Length | 6 feet (1.83 meters) |
| Input voltage range for main operations | 157 - 255 V |
| Input voltage adjustable range for main operations | 151 - 268 V |

Surge Protection and Filtering

| | |
|---------------------|--|
| Surge energy rating | 480 joules |
| Filtering | Full time multi-pole noise filtering : 0.3% IEEE surge let-th clamping response time : meets UL 1449 |

Runtime

| | |
|----------------------------------|--------------------------|
| Typical backup time at half load | 33.9 minutes (800 Watts) |
|----------------------------------|--------------------------|

Typical backup time
at full load 9.7 minutes (1600 Watts)

Runtime Chart [Smart-UPS XL](#)

Batteries

Battery type Maintenance-free sealed Lead-Acid battery with suspended electrolyte : leakproof

Typical recharge time ** 3 hour(s)

Replacement battery cartridge (1) RBC11

Optional Battery [Click here to view other Batteries.](#)

Extended run options for [APC Smart-UPS 2200VA XL 208V](#)

Physical

Maximum height dimensions 17.00 inches (43.18 cm)

Maximum width dimensions 7.70 inches (19.56 cm)

Maximum depth dimensions 21.50 inches (54.61 cm)

Net weight 137.00 lbs (62.27 kg)

Shipping Weight 167.00 lbs (75.91 kg)

Shipping Height 22.00 inches (55.88 cm)

Shipping Width 15.00 inches (38.10 cm)

Shipping Depth 30.00 inches (76.20 cm)

Color Beige

Environmental

Operating Environment 0 - 40 °C (32 - 104°F)

Operating Relative Humidity 0 - 95%

Operating Elevation 0-10000 feet (0-3000 m)

Storage Temperature -15 - 45 °C (5 - 113°F)

Storage Relative Humidity 0 - 95% Non-condensing

Storage Elevation 0-50000 feet (0-15000 m)

Audible noise at 1 meter from surface of unit 53 dBA

Online thermal dissipation 275 BTU/hr

Conformance

Approvals CSA, FCC A, UL 1778

Standard warranty 2 years repair or replace , optional on-site warranties available
optional extended warranties available

Equipment protection policy [Lifetime : \\$150000](#)

* Without TAX/VAT

** The time to recharge to 90% of full battery capacity following a discharge to shutdown using a load rated for 1/2 the full load rating of the UPS.



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Manufacturer



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APC Smart-UPS T Series 2000VA 1600W UPS

Product Information

2,200VA, 1,600W battery backup, 5-outlets with PowerChute Smart-UPS Bundle

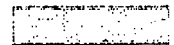
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CDW Part:

Mfg. Part:

UNSPSC:

Price:



The Smart-UPS T Series, designed specifically for protected telecommunications equipment, high v

Smart-UPS protects your data by supplying network-grade 1 when power falls. With PowerChute® plus software the unit supply (UPS) will safely store data and shut down your netw system before the battery is fully discharged, whether you'r SmartSlot internal accessory slot allows you to install option enhance the performance of your UPS. APC Smart-UPS is th file servers, minicomputers, UNIX CPU's, internet hubs, telec systems and other mission-critical applications (rackmount i available). With normal use, a UPS battery will last three to renewable UPS system eliminates the need for factory servi protection by letting you replace batteries for a fraction of th UPS.

SmartSlot™

Allows you to install one of a variety of optional accessory c available to customize and enhance the management of you UPS.

CellGuard™ intelligent battery management

Actively increases battery life and system reliability using Fa technology, automatic battery and circuitry self-tests, and a diagnostics.

Line-Interactive Design

Provides greater performance, filtering, reliability and efficie conversion, on-line UPS units.

Battery

Average Run Time 9.7 Min

| | |
|----------------|----------------|
| Enclosure Type | Plug-in module |
| Form Factor | Proprietary |
| Load Type | At full load |
| Recharge Time | 3 Hour(s) |
| Technology | Lead acid |
| Type | UPS battery |

Cabinet

| | |
|--------------|---------------------|
| Chassis Type | Proprietary cabinet |
|--------------|---------------------|

Cable

| | |
|-----------------------------------|---------------------------|
| Connectivity Details Form Factor | External |
| Connectivity Details Included Qty | 1 |
| Connectivity Details Length | 6 Ft |
| Connectivity Details Type | Serial Cable, Power Cable |

Dimensions

| | |
|--------|-----------|
| Depth | 21.5 In |
| Height | 17 In |
| Weight | 137.3 Lbs |
| Width | 7.7 In |

Environmental Parameters

| | |
|---------------------------|---------|
| Humidity Range Operating | 0 - 95% |
| Humidity Range Storage | 0 - 95% |
| Max Altitude Operating | 9840 Ft |
| Max Operating Temperature | 104 °F |
| Max Storage Temperature | 113 °F |
| Min Operating Temperature | 32 °F |
| Min Storage Temperature | 5 °F |
| Sound Emission | 53 DBA |

Header

| | |
|-------------------|--|
| Compatibility | PC |
| Country Kits | Canada, Peru, Ecuador, Costa Rica, Panama, Dominican Republic, Falkland Islands, Argentina, Colombia, Belize, Uruguay, Nicaragua, Jamaica, Guyana, Antigua and Barbuda, Brazil, Saudi Arabia, Venezuela, Chile, Mexico, Puerto Rico, Paraguay, Honduras, Guatemala, Caribbean, United States |
| Manufacturer | APC |
| Model | 2200VA XL |
| Packaged Quantity | 1 |
| Product Line | APC Smart-UPS |

Interface Provided

| | |
|----------------|--------------------|
| Connector Qty | 1 |
| Connector Type | 9 pin D-Sub (DB-9) |
| Free | 1 |
| Gender | Male |
| Interface | RS-232 |
| Qty | 1 |
| Type | Management |

Interface Required

| | |
|------|------|
| Type | None |
|------|------|

Miscellaneous

| | |
|----------------------------|-----------------------|
| Color | Beige |
| Compliant Standards | FCC Class A certified |
| Equipment Protection Value | 150000 US Dollars |
| Features | Audible alarm |
| Rack Mounting Kit | Not available |

Networking

| | |
|------|------|
| Type | None |
|------|------|

Power Output Connectors Details

| | |
|----------------|--------------------------------------|
| Connector Qty | 1, 2 |
| Connector Type | Power NEMA 5-15, Power NEMA L6-L6-30 |

Power Supply

| | |
|---|--------------------------------------|
| Device Compliant Standards | CSA, UL 1449, UL 1778 |
| Device Energy Rating | 480 Joules |
| Device Form Factor | External |
| Device Frequency Required | 50/60 Hz |
| Device Input Connector Qty | 1 |
| Device Input Connector Type | Power NEMA L6-20 |
| Device Input Voltage Range | AC 157 - 255 V |
| Device Input Voltage Range (Adjustable) | AC 151 - 268 V |
| Device Output Connector Qty | 5 |
| Device Output Connector Type | Power NEMA L6-20, Power NEMA 5-L6-30 |
| Device Power Provided | 2200 VA |
| Device Surge Response Time | 0 Ns |
| Device Surge Suppression | Standard |
| Device Type | UPS |
| Device UPS Output Waveform | Sinewave |
| Device Voltage | AC 208 V |

| | |
|--------------------------------------|---------------------------------|
| Provided | |
| Device Voltage Required | AC 208 V |
| Service | |
| Support Details Full Contract Period | 2 years |
| Support Details Type | Limited warranty |
| Support Type | 2 years warranty |
| Slot Provided | |
| Free Qty | 1 |
| Total Qty | 1 |
| Type | SmartSlot |
| Slot Required | |
| Type | None |
| Software | |
| Type | APC PowerChute Smart-UPS Bundle |

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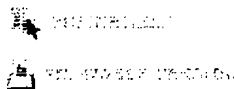
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Manufacturer

Legendary Reliability™

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APC Smart-UPS XL 2200VA 1600W

Product Information

2200VA, 1,600W battery backup, 8-outlet with PowerChute Smart-UPS Bundle

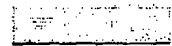
Usually Ships:

CDW Part:

Mfg. Part:

UNSPSC:

Price:



Performance power management for advanced business

APC Smart-UPS XL ship with APC's PowerChute plus UPS po and diagnostic software to provide network administrators v information and great flexibility in configuring UPS reaction. By tailoring each UPS to the network environment you can s enhance network performance and reliability. Use your APC conjunction with PowerChute plus for maximum, custom pro addition to extensive unattended system shutdown, you'll g testing/status, Remote UPS management and Environmental monitoring. Smart-UPS NET includes PowerChute Plus softw provides support for Windows® NT, 95, V3.1, Netware and Agent for Window NET and Netware.

APC's PowerNet SNMP Agent, included with PowerChute plus monitor and control the APC UPS's protecting servers along network data path. Smart-UPS includes PowerNet SNMP Age NT and Novell Netware.

With a Smart-UPS XL unit, mission-critical applications can i power outage, whether it lasts for a few seconds or several runtime (up to 100 hours) can be added by simply plugging

Because the batteries are packaged in an enclosure separat electronics, they operate at reduced temperatures. Battery enhanced through the use of a precision low-ripple float cha

For most extended-run UPSs, on-site repair requires an exp contract and a wait for factory authorized repair, In the case any user can safely plug in new batteries or replace faulty U battery enclosure in minutes.

Battery

| | |
|------------------|----------------|
| Average Run Time | 9.7 Min |
| Enclosure Type | Plug-in module |
| Form Factor | Proprietary |
| Load Type | At full load |
| Recharge Time | 3 Hour(s) |
| Technology | Lead acid |
| Type | UPS battery |

Cabinet

| | |
|--------------|---------------------|
| Chassis Type | Proprietary cabinet |
|--------------|---------------------|

Cable

| | |
|----------------------|---------------------------|
| Connectivity Details | External |
| Form Factor | |
| Connectivity Details | 1 |
| Included Qty | |
| Connectivity Details | 6 Ft |
| Length | |
| Connectivity Details | Serial Cable, Power Cable |
| Type | |

Dimensions

| | |
|--------|-----------|
| Depth | 21.5 In |
| Height | 17 In |
| Weight | 121.3 Lbs |
| Width | 7.7 In |

Environmental Parameters

| | |
|------------------------|---------|
| Humidity Range | 0 - 95% |
| Operating | |
| Humidity Range | 0 - 95% |
| Storage | |
| Max Altitude Operating | 9840 Ft |
| Max Operating | 104 °F |
| Temperature | |
| Max Storage | 113 °F |
| Temperature | |
| Min Operating | 32 °F |
| Temperature | |
| Min Storage | 5 °F |
| Temperature | |
| Sound Emission | 53 DBA |

Header

| | |
|-------------------|--|
| Compatibility | PC |
| Country Kits | Aruba, Chile, Mexico, Virgin Islands, Falkland Isles, Guyana, Barbados, Barbuda, Saudi Arabia, Argentina, Guatemala, Costa Rica, Salvador, C Uruguay, Venezuela, Canada, Bolivia, Panama, Dominican Republic, Anguilla, Paraguay, Nicaragua, Jamaica, Netherlands Antilles |
| Manufacturer | APC |
| Model | 2200VA XL |
| Packaged Quantity | 1 |

| | |
|---|-----------------------|
| Product Line | APC Smart-UPS |
| Interface Provided | |
| Connector Qty | 1 |
| Connector Type | 9 pin D-Sub (DB-9) |
| Free | 1 |
| Gender | Male |
| Interface | RS-232 |
| Qty | 1 |
| Type | Management |
| Interface Required | |
| Type | None |
| Miscellaneous | |
| Color | Beige |
| Compliant Standards | FCC Class A certified |
| Equipment Protection Value | 150000 US Dollars |
| Features | Audible alarm |
| Rack Mounting Kit | Not available |
| Networking | |
| Type | None |
| Power Supply | |
| Device Compliant Standards | UL 1778, UL 1449, CSA |
| Device Energy Rating | 320 Joules |
| Device Form Factor | External |
| Device Frequency Required | 50/60 Hz |
| Device Input Connector Qty | 1 |
| Device Input Connector Type | Power NEMA L5-30 |
| Device Input Voltage Range | AC 92 - 147 V |
| Device Input Voltage Range (Adjustable) | AC 86 - 154 V |
| Device Output Connector Qty | 8 |
| Device Output Connector Type | Power NEMA 5-15 |
| Device Power Provided | 2200 VA |
| Device Surge Response Time | 0 Ns |
| Device Surge Suppression | Standard |
| Device Type | UPS |
| Device UPS Output Waveform | Sinewave |
| Device Voltage Provided | AC 120 V |
| Device Voltage Required | AC 120 V |

030129 CCN0301 EXHIBIT#56

HTTP/1.1 200 OK Server: Microsoft-IIS/5.0 Date: Thu, 13 Feb 2003 16:06:56 GMT
Connection: close Content-type: text/html; charset=Windows-1252 Page-Completion-Status:
Normal Set-Cookie: APCSITECODE=us; expires=Sat, 15-Mar-2003 11:06:57 GMT; path=/;

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[Products](#) > [UPS](#) > [Smart-UPS XL](#) > [SU48XLBP](#)

APC Smart-UPS XL 48V Battery Pack

Part Number : SU48XLBP

Estimated Resale Price : 389.00 USD *

[Options](#) [Close](#)



Product Overview

| | |
|-------------|---|
| Description | Extended run power protection for servers, networks, and telecommunic |
| Features | Cascading Capabilities, Hot Swap Batteries, Intelligent Battery Manager |
| UPC Code | 731304011637 |

Options

| | |
|--------------------|--|
| Optional Batteries | Click here to view optional Batteries. |
| Optional Service | Click here to view optional Services. |

Documentation

User Manual & Installation Guides [Smart-UPS Battery Systems - XL Battery Pack \(Taiwan\); Addendum](#)

Battery

| | |
|-------------------------------|--|
| Battery type | Maintenance-free sealed Lead-Acid battery with suspended electrolyte : |
| Expected Battery Life (years) | 3 - 5 |

Physical

| | |
|---------------------------|-------------------------|
| Net weight | 69.00 lbs (31.36 kg) |
| Maximum height dimensions | 8.50 inches (21.59 cm) |

| | |
|--------------------------|--------------------------|
| Maximum width dimensions | 6.70 inches (17.02 cm) |
| Maximum depth dimensions | 17.30 inches (43.94 cm) |
| Shipping Weight | 73.00 lbs (33.18 kg) |
| Color | Beige |

Environmental

| | |
|-----------------------------|--------------------------|
| Operating Temperature | 0 - 40 °C (32 - 104 °F) |
| Operating Relative Humidity | 0 - 95 % |
| Operating Elevation | 0-10000 feet |
| Storage Temperature | -15 - 45 °C (5 - 113 °F) |
| Storage Relative Humidity | 0 - 95% Non-condensing |
| Storage Elevation | 0-50000 feet |

Conformance

| | |
|-------------------|---------------------------|
| Standard warranty | 2 years repair or replace |
|-------------------|---------------------------|

*Without TAX/VAT



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SHOPPING CART



Manufacturer



Product Links

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APC Battery Pack 48V 2200XLNET

Product Information

48 Volt Battery Pack for use with Smart-UPS 2200XLNET

Usually Ships:

CDW Part:

Mfg. Part:

UNSPSC:

Price:



Add more runtime

APC provides power protection, environmental control and services that are designed to proactively identify and correct downtime occurs. Over the years, APC has received more than 100 awards worldwide for reliability and innovation of solutions - more than any other UPS manufacturer. APC's solutions are accepted as "best of class" worldwide. You deserve the legendary reliability and peace of mind that only APC can provide.

Battery

| | |
|------------------|--------------|
| Enclosure Type | External |
| Form Factor | Proprietary |
| Technology | Lead acid |
| Type | Battery pack |
| Voltage Provided | 48 V |

Cabinet

| | |
|--------------|---------------------|
| Chassis Type | Proprietary cabinet |
|--------------|---------------------|

Dimensions

| | |
|--------|----------|
| Depth | 17.3 In |
| Height | 8.5 In |
| Weight | 69.2 Lbs |
| Width | 6.7 In |

Environmental Parameters

| | |
|---------------------------|---------|
| Humidity Range Operating | 0 - 95% |
| Humidity Range Storage | 0 - 95% |
| Max Altitude Operating | 9840 Ft |
| Max Operating Temperature | 104 °F |

| | |
|---------------------------|--------|
| Temperature | |
| Max Storage Temperature | 113 °F |
| Min Operating Temperature | 32 °F |
| Min Storage Temperature | 5 °F |

Header

| | |
|-------------------|-----|
| Compatibility | PC |
| Manufacturer | APC |
| Packaged Quantity | 1 |

Miscellaneous

| | |
|-------|-------|
| Color | Belge |
|-------|-------|

Networking

| | |
|------|------|
| Type | None |
|------|------|

Power Supply

| | |
|-------------|------|
| Device Type | None |
|-------------|------|

Service

| | |
|--------------------------------------|------------------|
| Support Details Full Contract Period | 2 years |
| Support Details Service Included | Parts and labor |
| Support Details Type | Limited warranty |
| Support Type | 2 years warranty |

Slot Provided

| | |
|------|------|
| Type | None |
|------|------|

Slot Required

| | |
|------|------|
| Type | None |
|------|------|

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American Power Conversion Voluntarily Recalls Two Uninterruptible Power Supply Models

WEST KINGSTON, R.I. -- January 14, 2003 -- American Power Conversion (Nasdaq: APCC) (APC), in cooperation with the Consumer Product Safety Commission, today announced a voluntary recall of two models in its Back-UPS® CS uninterruptible power supply (UPS) line due to potential safety issues that may result in overheating and represent a potential fire hazard. The total number of affected devices being recalled worldwide is approximately 2.1 million with approximately 900,000 devices recalled in the United States.

APC has received eight reports worldwide of units overheating resulting in the melting of the unit's outer casing, six of which occurred in the United States. Three of the reported incidents resulted in minor property damage. No injuries have been reported.

The recall is limited to two specific models in APC's Back-UPS CS product line - the Back-UPS CS 350 and the Back-UPS CS 500, in both 120-volt and 230-volt models. The affected units were manufactured between November 2000 and December 2002. The units were sold primarily through computer and electrical distribution, catalog and retail outlets worldwide. Consumers with affected units can identify them by the model markings on the front of the unit and by the serial numbers located on the bottom of the unit. Only units with serial numbers having the first six characters in the following ranges are affected:

AB0048 through AB0251

BB0104 through BB0251

JB0125 through JB0251

Any units with an "R" at the end of the serial number are not part of the recall.

APC recommends that the user immediately remove the UPS unit from service by turning off all connected equipment, turning the UPS unit off, and then unplugging the unit from the electrical outlet.

To learn more about the recall action and the process for replacing the affected units, users should visit www.apc.com or call 866 APC-RELY (866 272-7359).

APC has been working closely with the Consumer Product Safety Commission and other appropriate parties in this action, which does not affect any other APC devices.

"We remain highly confident in the overall safety and reliability of all of our products, and have been working diligently to ensure that this action results in a minimum inconvenience to our customers and channel partners," said Rodger B. Dowdell, Jr., APC president and CEO.

Safe Harbor Provision

This press release contains forward-looking statements as that term is defined in the Private Securities Litigation Reform Act of 1995. All statements in this press release that do not describe historical facts, such as statements concerning the Company's future plans or prospects and those contained in the "Business Outlook" section of the press release, are forward-looking statements. All forward-looking statements are not guarantees and are subject to risks and uncertainties that could cause actual results to differ from those projected. The factors that could cause actual results to differ materially include the following: costs incurred by the Company for the product recall are greater than or less than currently anticipated; actual audited fourth quarter 2002 results may differ from those currently anticipated; impact on order management and fulfillment, financial reporting and supply chain management processes as a result of the Company's reliance on a variety of computer systems, including Oracle 11i which was implemented in the first quarter 2001; the impact on demand, component availability and pricing, and logistics, and the disruption of Asian manufacturing operations that result from labor disputes, war, acts of terrorism or political instability; ramp up, expansion and rationalization of global manufacturing capacity; the discovery of a latent defect in any of the Company's products; the Company's ability to effectively align operating expenses and production capacity with the current demand environment; general worldwide economic conditions, and, in particular, the possibility that the PC and related markets decline more dramatically than currently anticipated; growth rates in the power protection industry and related industries, including but not limited to the PC, server, networking, telecommunications and enterprise hardware industries; competitive factors and pricing pressures; product mix changes and the potential negative impact on gross margins from such changes; changes in the seasonality of demand patterns; inventory risks due to shifts in market demand; component constraints, shortages and quality; risk of nonpayment of accounts receivable; the uncertainty of the litigation process including risk of an unexpected, unfavorable result of current or future litigation; and the risks described from time to time in the Company's filings with the Securities and Exchange Commission. The Company cautions readers not to place undue reliance on any such forward-looking statements, which speak only as of the date they are made. The Company disclaims any obligation to publicly update or revise any such statements to reflect any change in Company expectations or in events, conditions, or circumstances on which any such statements may be based, or that may affect the likelihood that actual results will differ from those set forth in the forward-looking statements.

About American Power Conversion

Founded in 1981, American Power Conversion (Nasdaq: APCC) (APC) is a leading provider of global, end-to-end infrastructure availability solutions. APC's comprehensive products and services offering, which is designed for both home and corporate environments, improves the availability, manageability and performance of sensitive electronic, network, communication and industrial equipment of all sizes. APC, which is headquartered in West Kingston, Rhode Island, reported sales of \$1.4 billion for the year ended December 31, 2001 and is a Fortune 1000 and S&P 500 company. All trademarks are the property of their owners.

Additional information about APC and its global end-to-end solutions can be found at www.apc.com or by calling 800-877-4080.

###

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE

January 14, 2003

Release # 03-068

APC Recall Hotline: (866) 272-7359

CPSC Consumer Hotline: (800) 638-2772

CPSC Media Contact: Scott Wolfson, (301) 504-7051

CPSC, American Power Conversion Corp. Announce Recall of Back-Up Power Supply Systems

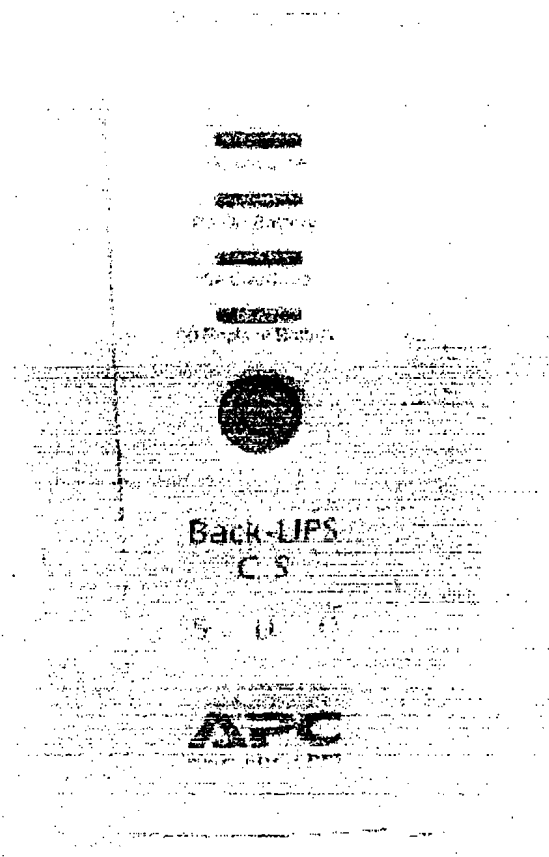
WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), American Power Conversion Corporation (APC), of West Kingston, R.I., is voluntarily recalling about 900,000 back-up power supply devices. These devices are primarily used to protect computers in case of a power failure. The power supply device can fail, causing the unit to overheat, which may pose a fire hazard to consumers.

APC has received six reports of units overheating resulting in the melting of the unit's outer casing and three reports of minor property damage. No injuries have been reported.

The recalled Back-UPS® CS Uninterruptible Power Supply devices include the Back-UPS CS350 and the Back-UPS CS 500 models. The model number can be found on the front of the unit, along with the words, "Back-UPS CS" and "APC." In addition, one of the following numbers shows up on the bar code label located on the bottom of the unit: BK350, BK500, BK500BLK. The recalled power supply devices also have one of the following serial numbers - AB0048 through AB0251, BB0104 through BB0251, and JB0125 through JB0251 - which can be found on the bottom of the unit. Units with an "R" at the end of the serial number within the above ranges are not part of this recall.

Retailers, computer and electrical distributors, and catalogs nationwide sold the power supply devices from November 2000 through December 2002 for between \$70 and \$130.

Consumers should immediately stop using the power supply devices by turning off the power to all connected equipment, turning the Back-UPS CS off, and then unplugging it from the electrical outlet. To obtain a free replacement unit, consumers should contact the company at (866) APC-RELY (272-7359) between 9 a.m. and 5 p.m. ET Monday through Friday or log on to the company's website at www.apc.com.



The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov. Consumers can obtain this release and recall information at CPSC's web site at www.cpsc.gov.



EFI

Engineering and Fire
Investigations

030129CCN0301 EXHIBIT 7

303 Quaker Road
Suite 303
Bokhrove, IL
60440
T: 630-679-1535
T: 800-679-1535
F: 630-679-1535

EFI FAX TRANSMITTAL

FAX 630 679 1535

DATE: 3-1-03
TO: ALAN R. KERN
COMPANY: CPSC
FAX NO: 775-667-7434
FROM: J MUNRO / EFI

COMMENTS:

Please find attached the list of items collected
at Edwards Hospital including the Acting List
for the UPS unit. The joint Exam has
NOT been scheduled yet! FEEL Free TO
call me if you have Questions

John

NUMBER OF PAGES: 4

030129CCN0301 Exhibit 7 Inventory of items collected

Richard M. Hansen & Associates, Inc.

950 DuPage Avenue
Lombard, IL 6014
(630) 495-388
Fax: (630) 495-394

Evidence File No. 03-1024 as of February 14, 2003

| <u>Evidence No.</u> | <u>File No.</u> | <u>Date Collected</u> | <u>Time Collected</u> | <u>Description</u> |
|---------------------|-----------------|-----------------------|-----------------------|-------------------------------|
| 1 | 03-1024 | 1/28/03 | | AT&T switch |
| 2 | 03-1024 | 1/28/03 | 1147 HRS | Outlet #2 |
| 3 | 03-1024 | 1/28/03 | 1147 HRS | Conduit to outlet #1 |
| 4 | 03-1024 | 1/28/03 | 1153 HRS | Distribution panel |
| 5 | 03-1024 | 1/28/03 | | Junction box & outlet |
| 6 | 03-1024 | 1/28/03 | | Switch to fluorescent |
| 7 | 03-1024 | 1/28/03 | 1611 HRS | Outlet |
| 8 | 03-1024 | 1/28/03 | 1545 HRS | Fluorescent fixture |
| 9 | 03-1024 | 1/28/03 | 1057 HRS | Ceiling fan housing |
| 10 | 03-1024 | 1/28/03 | | Identified components |
| 11 | 03-1024 | 1/28/03 | 915 HRS | Printer |
| 12 | 03-1024 | 1/28/03 | 1045 HRS | CRT Mounting panels & cable |
| 13 | 03-1024 | 1/28/03 | 897 HRS | Telephone |
| 14 | 03-1024 | 1/28/03 | 1115 HRS | Documents from shelf |
| 15 | 03-1024 | 1/28/03 | 1051 HRS | Telephone & Unidentified unit |
| 16 | 03-1024 | 1/28/03 | 1130 HRS | Telephone blocks |
| 17 | 03-1024 | 1/28/03 | | Debris |
| 18 | 03-1024 | 1/28/03 | 1110 HRS | Bag of debris |
| 19 | 03-1024 | 1/28/03 | 1105 HRS | Bag of debris |
| 20 | 03-1024 | 1/28/03 | | Junction box for fire alarm |
| 21 | 03-1024 | 1/28/03 | 1142 HRS | Transfer unit |
| 22 | 03-1024 | 1/28/03 | 1140 HRS | Emergency transfer |
| 23 | 03-1024 | 1/28/03 | | Telephone jacks |
| 24 | 03-1024 | 1/28/03 | 1141 HRS | Emergency transfer unit |
| 25 | 03-1024 | 1/28/03 | | Debris from floor |
| 26 | 03-1024 | 1/28/03 | | Glass remains |
| 27 | 03-1024 | 1/28/03 | 1143 HRS | Transfer unit component |

Richard M. Hansen & Associates, Inc.

**950 DuPage Avenue
Lombard, IL 60148
(630) 486-3853
Fax: (630) 486-3947**

Evidence File No. 03-1024 as of February 14, 2003

| Evidence No. | File No. | Date Collected | Time Collected | Description |
|---------------------|-----------------|-----------------------|-----------------------|------------------------------------|
| 28 | 03-1024 | 1/28/03 | | UPS & unidentified control box |
| 29 | 03-1024 | 1/28/03 | | Components from shelf |
| 30 | 03-1024 | 1/28/03 | 1039 HRS | Front panel |
| 31 | 03-1024 | 1/28/03 | | Data rack |
| 32 | 03-1024 | 1/28/03 | 1140 HRS | Shelf from east |
| 33 | 03-1024 | 1/28/03 | 1145 HRS | Debris from shelf |
| 34 | 03-1024 | 1/28/03 | 1151 HRS | UPS |
| 35 | 03-1024 | 1/29/03 | | Cables from above telephone closet |
| 36 | 03-1024 | 2/14/03 | | Breaker |



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ORDER PACKING LIST

| SHIP TO | | SHIPPED FROM | | DATE SHIPPED | CUSTOMER PO REF | LOAD # |
|--|----|--|---------------|--------------|------------------|-----------------|
| GLEN ELLYN CLINIC/ DMG 100 SPALDING DR 3RD FL PEDIATRICS DEB LAWRENCE NAPERVILLE, IL 60540 | | CDW COMPUTER CENTERS 1 TECHNOLOGY DRIVE SWEDESBORO, NJ 08085 | | 01/14/03 | | 871832 |
| CUSTOMER CONTACT: JOHN | | | | | ORDER TAKER | # OF CONTAINERS |
| | | | | | LEE CODDING | 1 |
| QTY SHIPPED | UN | ITEM # | VENDOR ITEM # | UPC | ITEM DESCRIPTION | |

1 EA SU2200XLTNET 731304007906 SMARTUPS 2200 XL 208V 5RCPTL

CONTAINER ID: WCP-001112
 S/N: WS0250151184

TOTAL NUMBER OF ITEMS: 1
 SHIP VIA: WATKINS
 PACKER: TERRI PATTI

CONTAINER ID: WCP-001112
 WEIGHT: 156.00
 NUMBER OF PIECES: 1



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Exhibit 9: 030129CCN0301

INVESTIGATIVE CONTACTS:

| <u>NAME</u> | <u>ADDRESS /PHONE</u> | <u>DATE</u> |
|------------------------------|--|----------------------------------|
| (b)(6) Fire Lieutenant | Naperville Fire Dept Naperville, IL (630) 420-6142 | 01/28/03 |
| (b)(6) Director of Safety | Edward Hospital 801 S. Washington St. Naperville, IL 60540 (630) 527-7247 | 02/06/03 02/11/03 |
| (b)(6) Fire Chief | Edward Hospital Naperville, IL | 02/11/03 |
| (b)(6) ITS Manager | DuPage Medical Group 454 Pennsylvania Ave Glen Ellyn, IL 60137 (630) 545-3615 | 02/12/03 03/11/03 |
| (b)(6) Fire Investigator | Engineering & Fire Investigations (EFI) 303 Quadrangle Dr. Suite 303 Bolingbrook, IL 60440 (847) 635-5053 | 02/13/03 02/14/03 03/01/03 |



Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

RE: 030129CCN0301, *to 310 32A*
H0310215A, ~~I031312A~~,
C0325001A, I10310361A, I0310440

April 11, 2003

Dear Ms. DeTemple:

Thank you for your letter dated March 31, 2003 regarding the above referenced incidents allegedly involving our products. In regards to Claims #030129CCN0301 and #C0325001A, we have been notified by the customers of the incidents and our respective insurance companies are conducting formal investigations. With regard to Claim #H0310215A, it is our understanding that this issue has been resolved to the customer's satisfaction. Finally, we have not, to the best of our knowledge, receive any claims or information related to Claims #I031312A, #H0310361A and #I0310440.

American Power Conversion Corporation takes the design and manufacture of its products extremely seriously. We appreciate the Consumer Products Safety Commission contacting us regarding this matter. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,

Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer who values workforce diversity.
APC's quality system is ISO 9002 certified.

Hamann, Peggy A.

From: Robin Ross [rrossjr@wi.rr.com]
Sent: Tuesday, January 28, 2003 1:47
To: Peggy Hamann
Cc: Alan Kern
Subject: Fire damages doctors' offices.htm

IDI #

G031 # 0294A

030129CCN0301

Peggy please assign an IDI number to this incident. Apparently it was started by an APC brand computer power supply unit. Assign to Al Kern

Thanks



NAPERVILLE SUN; Mayors say county's O'Hare vote ...

29°

SuburbanChicagoNews.com



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Fire damages doctors' offices

SUN STAFF

A fire on the Edward Hospital campus Saturday morning did more than \$250,000 worth of damage to a doctors' office building at 100 Spaulding Drive.

Naperville Fire Department District Chief Richard J. Mikel reported Saturday that about 20 people were evacuated from the building. No one was injured. The fire erupted in an equipment room about 8 a.m. on the third floor of the four-story building. The response was upgraded to a second alarm, bringing additional fire units to the scene as suppression efforts began, Mikel said in a press release.

The responding 35 Naperville firefighters and 12 pieces of equipment brought the fire under control in about 30 minutes.

Brian P. Davis, Edward Hospital's vice president of marketing and communications, said officials are looking at the possibility that it was an electrical fire. The building, in which outpatient services are provided, is not attached to the hospital but is connected by an exterior tunnel. The Naperville Fire Investigation team is investigating the cause of the fire.

01/26/03

FEB 04 2003

ISSUE 19

TUESDAY
JANUARY 28, 2003



VOTE: Should local prosecutors attempt to negate former Gov. Ryan's commutations of death row inmates?

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GET DAILY
HEADLINES

| | | | | |
|---|--|--|--|--|
| 1. Task Number 030701CCN0667 | | 2. Investigator's ID 9032 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 830 | 4. Date of Accident YR MO DAY 2003 06 01 | 5. Date Initiated YR MO DAY 2003 07 08 | | |
| 6. Synopsis of Accident or Complaint UPC When attempting to remove the batteries from a power unit, the Complainant & his network admin opened the failed unit. They found that the plastic cases of all four of the batteries had swollen up and/or melted to the point they would no longer slide out of the unit. Some of them had the caps partially popped off and some electrolyte (acid) had oozed out. The unit itself had acid burns on the inside of lid and inside the bottom plate. Complainant was somewhat concerned that the boiling batteries could have exploded or started a fire. | | | | |
| 7. Location (Home, School, etc) 7 - INDUSTRIAL PLACE | | 8. City LINCOLN, | | 9. State NE |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name SMART-UPS UNINTERRUPTIBLE POWER | | 10C. Model Number SMART-UPS 1400RM |
| 10D. Manufacturer Name and Address APC CORPORATE HEADQUARTERS 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 0 | 13. Sex 1 - Male | 14. Disposition 0 - No Injury | | 15. Injury Diagnosis 70 - No Injury |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 2 - Eyewitness | 18. Type of Investigation 2 - Telephone | | 19. Time Spent (Operational / Travel) 11 / 0 |
| 20. Attachment(s) 1 - Photographs | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 08/05/2003 | 25. Reviewed By 8631 | | 26. Regional Office Director Eric B. Ault | |
| 27. Distribution Kramer, Jack T.; Moro, Robert E. | | | 28. Source Document Number 10360461A | |

9/11/07

OVERRULED
 EXEMPTIONS/FOIA Etc. 25C
 DO NOT RE-NOTIFY RE-NOTIFY

IDI: # 030701CCN0667
Smart-UPS 1400RM

IDENTITY OF RESPONDENT(S)

The respondents in this investigation are:

- Complainant (b)(6) 07/08 & 22 – 8/01//03
(b)(6)
Lincoln, NE 68522
(b)(6)
Home
- Work

IDI # 030701CCN0667

Smart-UPS 1400RM Uninterruptible Power Supplies

Page 1

PRE-INCIDENT

The Complainant's company has approximately 18 "American Power Conversion "Uninterruptible Power Supplies" (UPS's) installed in the company's network wiring closets and server racks. In general they have been very satisfied with them.

NOTE: APC Smart-UPS protects data by supplying reliable, network-grade power in either traditional Tower or Rack – optimized form factors for space constrained business critical applications; protects business critical file servers, minicomputers, network switches and hubs, Point of Sales retail/bank office and ATM's .

Recently, June 2003, one of the units (a Smart-UPS 1400RM) indicated it needed to have the batteries replaced; they had replaced several battery replacements before just not on this unit.

INCIDENT

When attempting to remove the batteries from the unit, the batteries wouldn't budge, not even when pulled on quite hard. Over the weekend, the Complainant had his network administrator come in and replace the faulty unit with a working one. When they opened up the failed UPS, they found that the plastic cases of all four of the batteries had swollen up and/or melted to the point they would no longer slide out of the UPS. Some of them had the caps partially popped off and some electrolyte (acid) had oozed out.

POST-INCIDENT

The Complainant stated that the red "replace battery" light had come on two or three months before they tried to replace the batteries. He stated they were working under the assumption that the worst thing that would happen if they weren't replaced was that the UPS would no longer provide backup power. He thinks that the set of batteries came with the UPS. You can see (see Photo 1) the APC tag on the battery. There is a load meter and volt meter on this system; it has one LED bar graph on the front for system load, and a second one for battery voltage.

The Complainant had a similar incident (whose batteries were no more than six months old at the time of the incident) on a non-rack-mount Smart-UPS at his home. He smelled sulphur one morning and eventually tracked it down to the Smart-UPS. The batteries had

IDI # 030701CCN0667

Smart-UPS 1400RM Uninterruptible Power Supplies

Page 2

swollen up and were hissing and sputtering acid out the caps and the whole unit was almost too hot to touch.

In a prior incident, the Complainant wrote to the company, APC, about the incident that occurred in his home. Complainant was told by the company that he would need to buy another unit since it was out of warranty. He then explained that he had been under the assumption that since the UPS measures its internal temperature, voltage, current draw, etc, it should have detected whatever the problem condition was and shut down or given an alarm; he has never received what he considers to be a satisfactory answer from the company. He stated the issue is not buying a new UPS. The issue is the fact that this unit might well have started a fire, burning down his house and killing his pets if they had not been home, noticed the problem and disconnected the UPS. Complainant was so frightened by this incident that they have not been using a UPS at home for the past year, simply because they are terrified of what might happen while they are gone from home.

The Complainant stated that the recent failure of one of the products at his company, in what appears to be a similar manner, has led him to think that what happened with the unit at home is not an isolated incident.

He stated that they contacted the manufacturer twice and they did not seem too concerned; they basically brushed it off by saying that it was an older unit, and they offered to dispose of the unit for his company free of charge.

The Complainant stated that he is not aware of any damage to his equipment; however, the UPS itself has some pretty good acid burns on the inside of the lid and inside the bottom plate. As hydrogen is explosive, he was somewhat concerned that the boiling batteries could have exploded or started a fire.

PRODUCT IDENTIFICATION

The product involved is an Uninterruptible Power Supply:

- Smart-UPS 1400 RM
- Serial # S95035753705

The Smart-UPS 1400RM consists of four 12V7AH-F2 batteries that go into the Smart-UPS 1400RM. The Complainant stated it is the size of a bread box and weighs approximately 200 pounds.

IDI # 030701CCN0667

Smart-UPS 1400RM Uninterruptible Power Supplies

Page 3

The Complainant stated that he is not certain how old the Smart-UPS 1400RM unit is however, he thinks it might be at least a few years old and the batteries may have been original equipment.

APC Corporate Headquarters:

- 132 Fairgrounds Road
W. Kingston
Rhode Island 02892
(800)788-2208

Technical Support – 800-555-2725

Battery Sales – 800-300-7141

Customer Service – 877-800-4272

Government Team – 800-788-5414 - www.govteam@apcc.com

Website Info - <http://www.apcc.com/products/family/index.cfm?id=165>

NOTE

“No other reports will be forthcoming.” This is a telephone investigation rather than an On-Site due to distance.

ATTACHMENTS

1. Respondents
2. Internet Photo of the Smart-UPS
3. Photographs(8)



Shopping Cart | My Account | Adven

HOME CONTACT US REGISTERING CLEARANCE

Search



The Battery Experts

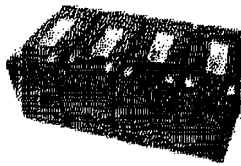
Call us toll-free

Exit
Quantity
Login

APC UPS BATTERIES

- > 2-Way Radio
- > Alkaline (AA, D, etc)
- > Barcode Scanner
- > Camcorder
- > Camera
- > Cell Phone
- > Cordless Phone
- > Custom Battery Pack
- > Digital Camera
- > Electronics / Watch
- > Golf Caddy
- > Hawker ODYSSEY
- > Hearing Aid
- > Laptop Computer
- > Motorcycle / ATV
- > OPTIMA Batteries
- > Rechargeables
- > Robot
- > SLA / Gel Cell
- > Specialty
- > Toy
- > UPS
- > Wheelchair

SmartUPS 1400RM



Four 12V7AH-F2 Batteries
 Code:SLA-12V7-F2-X4
 Price: \$47.80
 Quantity in Cart: none

Exit

Add to cart
 calculate shipping

L

[UPS Batteries](#) > [APC](#) > SmartUPS 1400RM

Hawke

Task# 030701CCN0667
 Exhibit 2
 Page 1 of 1

D:

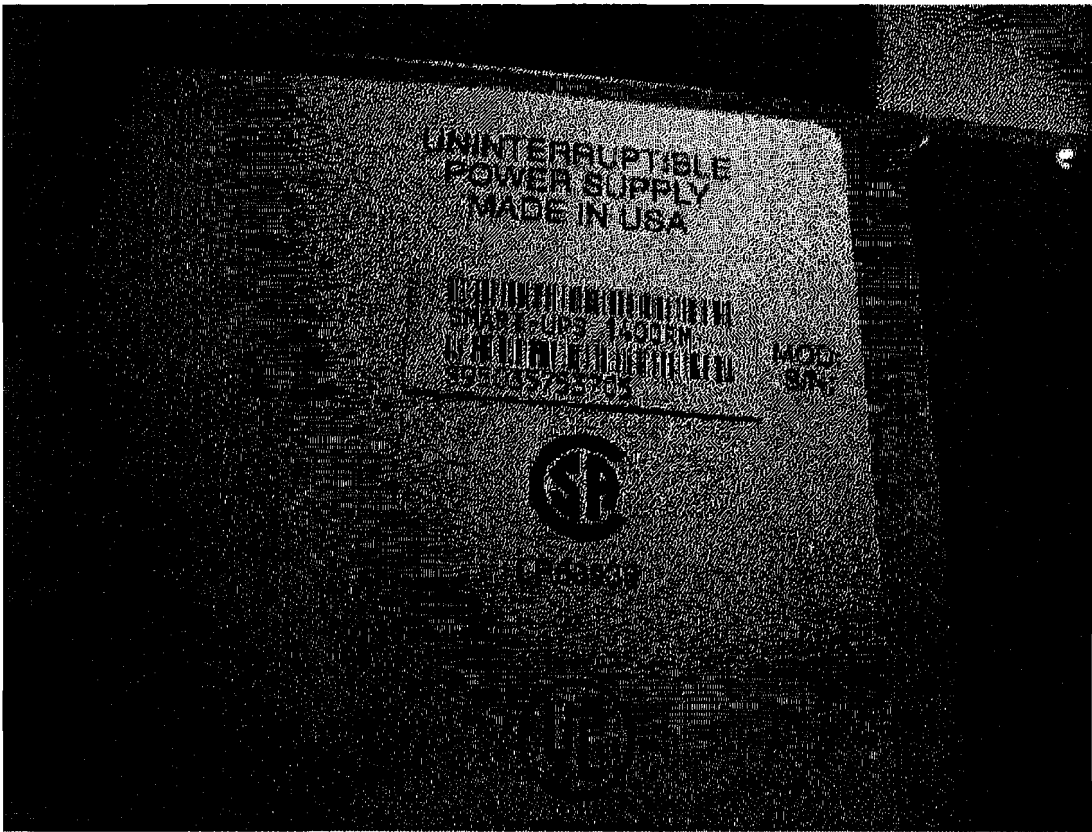
APC UPS ACCESSORIES

- > Battery Chargers
- > Battery Maintainers
- > Battery Mat
- > Battery Testers
- > BatteryMINDER
- > Deltran Chargers
- > Dual Pro
- > Floodlights
- > Jabra Products
- > Jump Starters
- > Power Inverters
- > Priority Start
- > Solar Chargers

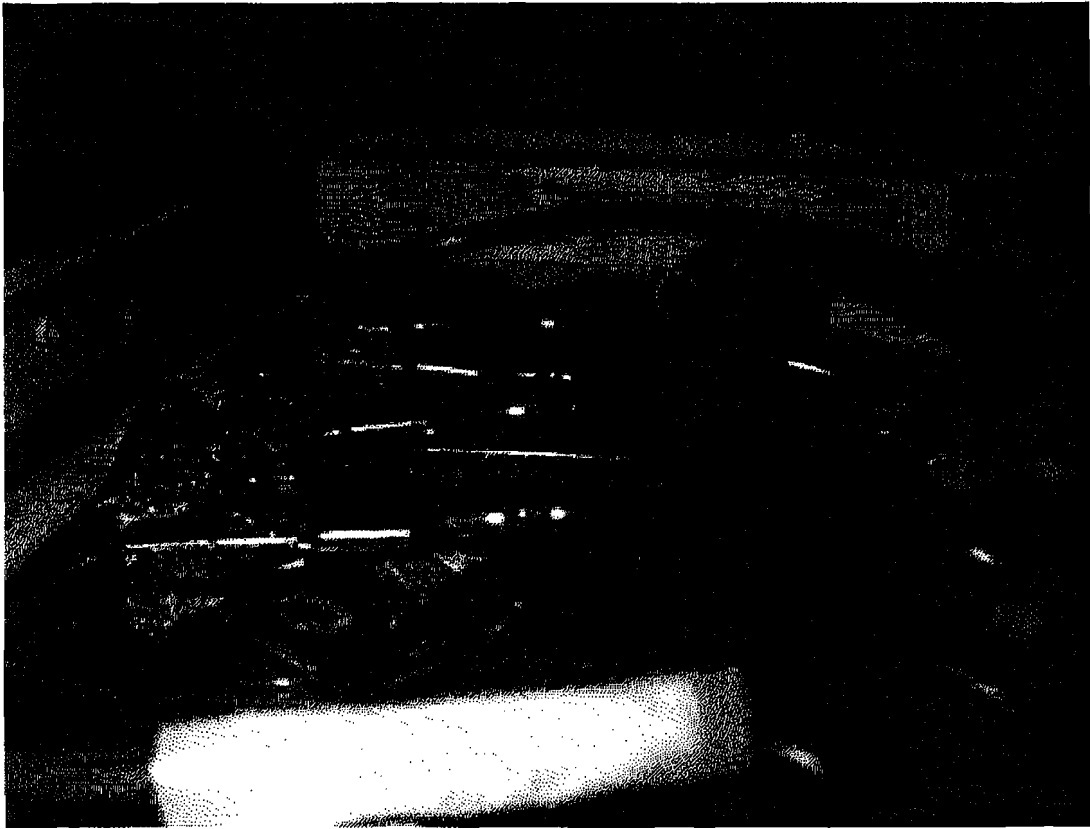
Mazr

Sub:

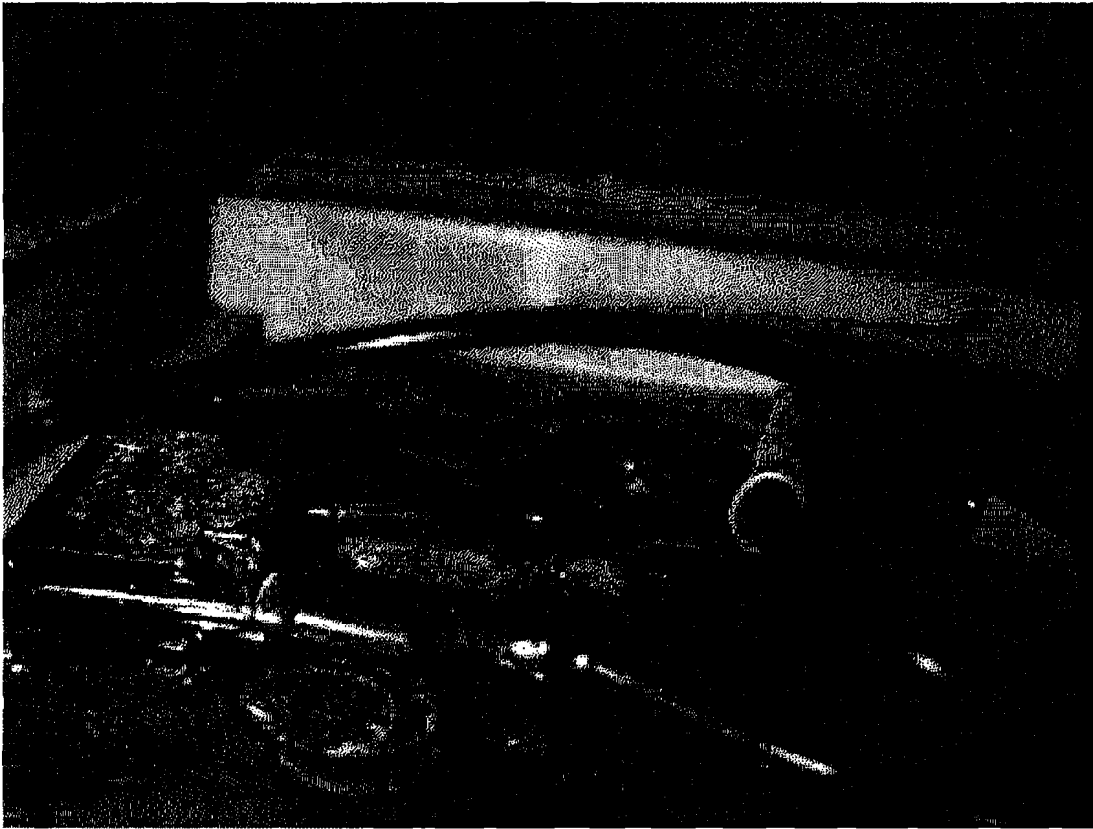




Task# 030701CCN0667 – Photo 1 – The UPS tag/APC tag on the battery.



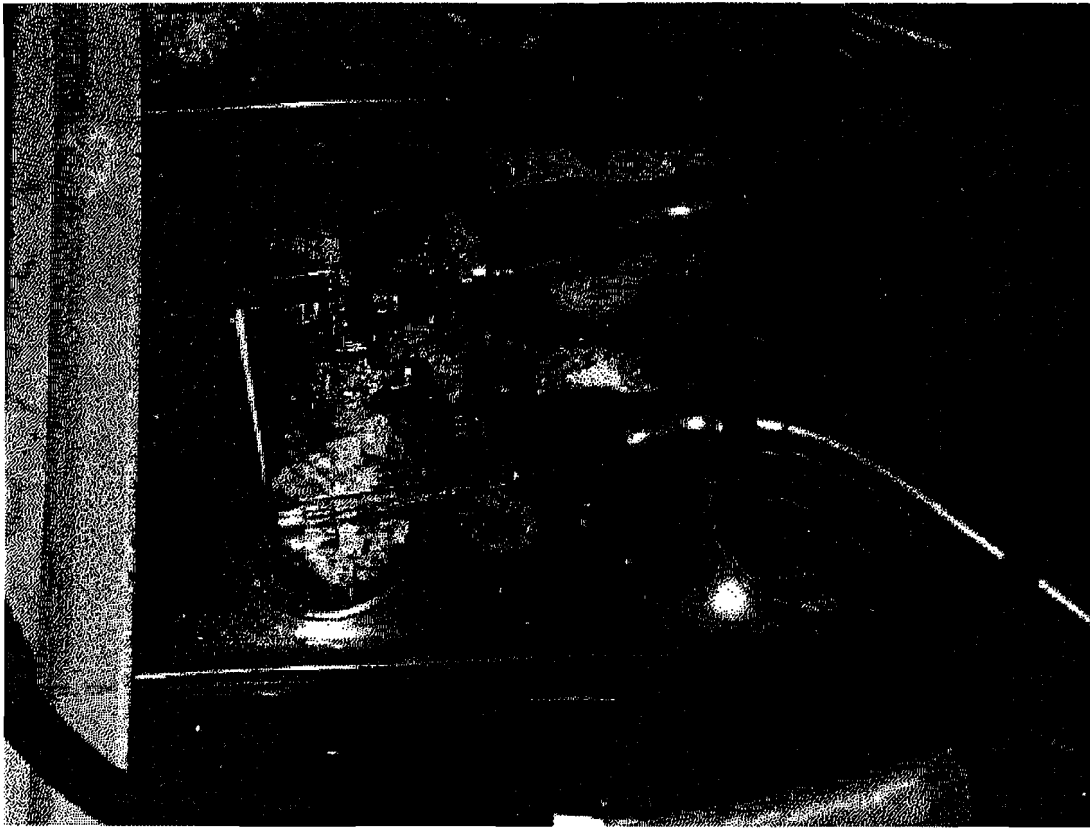
Task # 030701CCN0667 – Photo 2 – Top of the battery on the Smart-UPS 1400RM



Task# 030701CCN0667 – Photo 3 – Top of the Battery



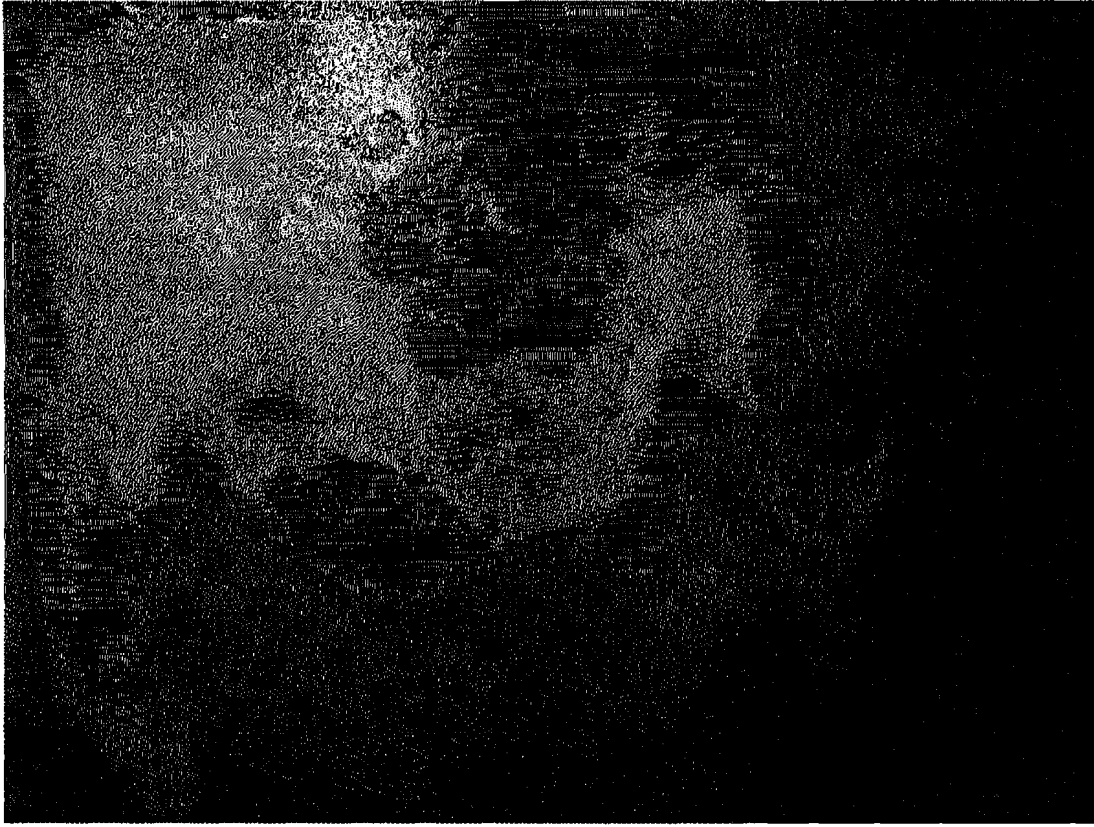
Task# 030701CCN0667 – Photo 4 - Fuses



Task# 030701CCN0667 – Photo 5 – Closer view of the fuses.



Task# 030701CCN0667 – Photo 6 – Damaged UPS lid.



Task# 030701CCN0667 – Photo 7 - Close-up of the damaged UPS lid.



Task# 030701CCN0667 - Photo 8 - Battery Tag



Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

RE: 030701CCN0667,
030710CCN0706, H0370020A,
H0370053A

October 22, 2003

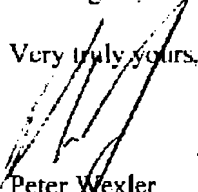
Dear Ms. DeTemple:

Thank you for your letter dated August 29, 2003 regarding the above referenced incidents allegedly involving our products. In regards to Claims #030710CCN0706, we did receive a report from the customer, but the customer has not returned the unit so that we may conduct a failure analysis. In regards to Claims #030710CCN0706, we did receive a report from the customer and have received and reviewed the unit. Our analysis to date indicates a external overvoltage event to the surge unit was the root cause of the unit failure. We have offered to replace the customer's unit. We have very little information regarding Claim #H0370053A and have not received the unit for evaluation, however, it is our understanding that a new unit was sent to the customer. Finally, we have not, to the best of our knowledge, receive any claims or information related to Claim # 030701CCN0667.

We appreciate the Consumer Products Safety Commission contacting us regarding these matters. Please contact us immediately if there are any further developments in any of these cases. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,


Peter Wexler
Associate General Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values work force diversity.
APC's safety systems are ISO 9002 certified.

From: Pucciarelli, Ellen M
Sent: Monday, June 30, 2003 4:57 PM
To: Emerging Hazards; Hazard; Internet Incident Reports, Clearinghouse; Incident Reports
Cc: Cohn, Murray S.
Subject: Internet Form Complaint - Doc #10360461

6/30/2003 2:49:57 PM

Name = (b)(6)
Address = [REDACTED]
City = Lincoln
State = NE
Zip = 68522
Email = (b)(6)
Telephone = [REDACTED]
Name of Victim =
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: We have approximately 18 American Power Conversion "Uninterruptable Power Supplies" (UPS's) installed in our network wiring closets and server racks, and in general I've been very satisfied with them. Recently, one of them (a Smart-UPS 1400RM) indicated it needed to have the batteries replaced. We've done several before, but when we tried to remove the batteries from this unit, they wouldn't budge, not even when pulled on quite hard. Over the weekend, I had my network administrator come in and replace the faulty unit with a working one. When we opened up the failed UPS, we found that the plastic cases of all four of the batteries had swollen up and/or melted to the point they would no longer slide out of the UPS. Some of them have the caps partially popped off, and some electrolyte (acid) has oozed out. I had a similar incident (whose batteries were no more than 6 months old at the time) on a non-rack-mount Smart-UPS at my home. We smelled sulphur one morning when we got up, and eventually tracked it down to the Smart-UPS. The batteries had swollen up and were hissing and sputtering acid out the caps and the whole unit was almost too hot to touch. I wrote to APC about that incident some time ago, and was told that I would need to buy another unit since it was out of warranty. I explained that I had been under the assumption that since the UPS measures its internal temperature, voltage, current draw, etc, it should have detected whatever the problem condition was and shut down or given an alarm, but I have never received what I consider to be a satisfactory answer from the company. The issue is not buying a new UPS. The issue is the fact that this unit might well have started a fire, burning down my house and killing my pets if we hadn't been home, noticed the problem, and disconnected the UPS. We were so frightened by this incident that we have not been using a UPS at home for the past year, simply because we're terrified of what might happen while we're gone. The recent failure of one of the products at my company in what appears to be a similar manner has led me to think that what happened with the unit at home is not an isolated

incident. How would you suggest we proceed on this issue?

Victim's age at time of incident =

Victim's sex =

Date of incident = June, 2003

Product involved = Smart-UPS (Uninterruptable Power Supply)

Product brand name/manufacturer = American Power Conversion

Place where manufactured (City and State) = USA/Unknown

Product involved still available = Yes

Product model and serial number = Smart UPS 1400RM, s/n S95035753705

Date product purchased = unknown

Name Release = Release name to manufacturer only

041939

| | | | | |
|---|--|--|--|---|
| 1. Task Number 040720CNE1669 | | 2. Investigator's ID 9094 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 810 | 4. Date of Accident YR MO DAY 2004 07 18 | 5. Date Initiated YR MO DAY 2004 07 26 | | |
| 6. Synopsis of Accident or Complaint UPC An adult female (age unknown) reported smoke coming from battery back-up unit being used with three other battery back-up units to back up several computers at her home-based consulting business. The inside of the battery back-up unit was glowing red when she checked. There were no injuries, and damage was confined to the unit involved in the incident. | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City FORT WALTON BEACH | | 9. State FL |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name APC SMART UPS | | 10C. Model Number 1500 |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION CORP. 132 Fairground Road West Kingston, RI 02892 | | | | |
| 11A. Second Product 0 | | 11B. Trade/Brand Name NONE | | 11C. Model Number NONE |
| 11D. Manufacturer Name and Address NONE | | | | |
| 12. Age of Victim 43 | 13. Sex 2 - Female | 14. Disposition 0 - No Injury | 15. Injury Diagnosis 70 - No Injury | |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 2 - Telephone | 19. Time Spent (Operational / Travel) 21 / 0 | |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 09/01/2004 | 25. Reviewed By 8169 | | 26. Regional Office Director Gerard J. Naylis | |
| 27. Distribution Deppa, Roy W.; Pigott, Mary K.; Dobbins, Allen C.; Lansing, Joseph W | | | 28. Source Document Number 10470345A | |

Handwritten notes and signature:
4/24/04
[Signature]

This investigation was initiated from a consumer internet complaint form.

Initial contact was made by this investigator on July 26, 2004. At this time, the complainant was unavailable for an interview. However, the complainant's spouse indicated that the incident product was no longer available, as it had been returned to the manufacturer for a replacement.

Since no sample was available for photographing or collecting, a telephone interview was conducted with the complainant on August 2, 2004. During this interview, the complainant provided the information contained in this report. The complainant also indicated that she would provide photographs of the area in which the incident product was located. However, these photographs were not received.

The complainant involved in this incident is a female. She did not provide her age, height, or weight during the interview.

The product involved is an uninterruptible power source (UPS) battery unit for use with computers. The complainant stated that she used this UPS as one of four battery back-ups for seven computers that she uses in her consulting business. She stated that she has used three different models of battery back-up units, and has had trouble with this model twice. She has never experienced problems with the other models.

The incident occurred at the complainant's place of business. The complainant stated that the UPS battery unit was located in a room with three other UPS units, stacked two deep and two wide (Attachment 2, Page 1). All four units operated off house current and were on the same circuit.

The temperature inside the room was 74° F, according to a thermometer adjacent to the battery back-up units.

The incident reported to CPSC occurred July 18, 2004. However, the consumer stated in the telephone interview that she had experienced a similar incident with an identical unit in March or April of 2004.

The complainant stated that the unit involved in the second (reported) incident was obtained from the manufacturer as a replacement for the unit involved in the earlier incident. The unit involved in the second incident had been in use continually for four or five months prior to the second incident. The unit involved in the earlier incident had been in use for a year prior to the first incident. (An identical model unit--not involved in either incident--has been in use for eighteen months with no problems.)

The complainant stated that she did not read the instructions that accompanied the unit involved in the second incident, since she had the m previously with the original units. She placed the incident unit on top of another unit of the same model (Attachment 2,

Page 1). These two units were placed on the outside of a stack of four UPS battery units (Attachment 2, Page 1).

At approximately 10:00 a.m. on July 18, 2004, the complainant was in the room where four UPS battery units were located. She said that she heard a "pop" and smelled something funny. Then she saw smoke coming out of the incident unit. She said that the inside of the incident unit was glowing red when she looked at it.

The complainant unplugged the incident unit and discontinued its use immediately. She reported the incident to CPSC on the day it occurred.

On July 19, 2004, the complainant contacted the manufacturer by telephone. She said that the manufacturer's representative with whom she spoke told her that they had not received any other complaints about similar incidents with this model unit.

The complainant said that the manufacturer's representative told her that there are modules in the top of the unit that are designed to pop if the unit overheats. The manufacturer's representative told the complainant that the unit is not supposed to catch fire, though.

The complainant stated that the point of origin in both incidents was at the top of the unit near the back. Although there were no flames involved in the second incident, the complainant said that flames spread outside the unit involved in the previous incident.

The complainant further stated that the manufacturer's representative told her that she should place the UPS battery unit twelve inches away from everything else. The complainant indicated that she does not follow this advice.

PRODUCT IDENTIFICATION:

The product involved in both incidents is an **APC Smart UPS 1500**. Identifying information about the product and the manufacturer is included below:

| | |
|-----------------------|--|
| Brand Name: | APS Smart UPS |
| Model Number: | 1500 |
| Serial Number: | Unknown |
| Manufacturer: | American Power Conversion Corp. |
| Address: | 132 Fairground Road West Kingston, RI 02892 |
| Place of Manufacture: | Unknown |

The product operates off house current. It was on the same circuit as another APC Smart UPS 1500 unit, an APC Smart UPS 1400 unit, and an APC Smart UPS 500 unit. The complainant has not had any problems with the other three units on the circuit. However, she has experienced the same problem twice with APC Smart UPS 1500 units.

As the incident unit was not photographed or collected, no information about labeling is available.

SAMPLE:

No sample was collected.

ATTACHMENTS:

Attachment 1 – Contact Sheet

Attachment 2 – Diagram of Units at Incident Location

Attachment 3 – Missing Documents Form

List of Contacts

Name: (b)(6)
Title: (b)(6)
Address: (b)(6)
Fort Walton Beach, FL 32547
Phone: (b)(6)
Interviewed: August 2, 2004
Follow-up on August 26, 2004 (via e-mail)

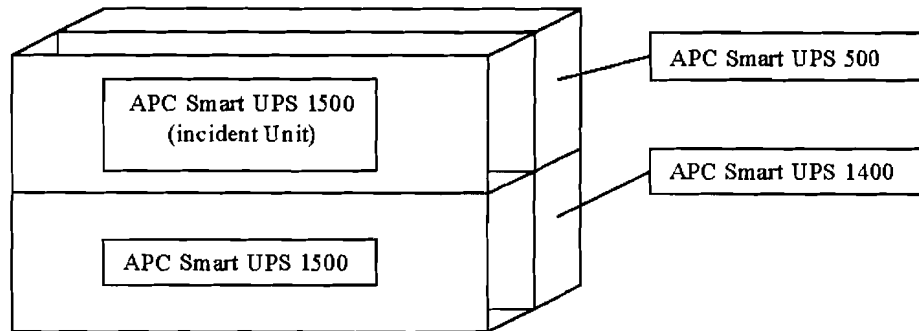
Information from interview is contained in narrative.
Photographs were requested but were not provided.

Name: (b)(6)
Title: (b)(6)
Address: (b)(6)
Fort Walton Beach, FL 32547
Phone: (b)(6)
Interviewed: July 26, 2004 and August 26, 2004

On both occasions, the complainant's spouse indicated that the complainant was too busy to talk to the investigator.

Diagram of Product Positioning

(Drawn by Investigator, based on information provided by complainant)



Task No: 040720CNE1669
Date: 08/31/2004

STATUS OF MISSING DOCUMENT(S)

The official records below were request for this investigation report, but could not be obtained.

1. Photographs of incident location (requested from complainant)
2. Records of correspondence with manufacturer (not available)
3. _____
4. _____
5. _____

Date: 08/31/2004

Investigation No. 9094

Regional Office: FOER

Supervisor No: _____



2/25
SENT VIA FEDEX

February 11, 2005

Ann DeTemple, Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

RE: 040720CNE1669 ✓

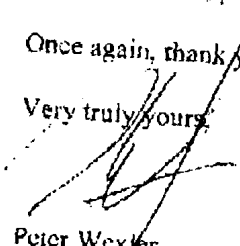
Dear Ms. DeTemple:

Thank you for your letter dated October 29, 2004 regarding the above referenced incident ("Claim") involving our product APC Smart UPS SUA 1500. We have read the report in detail and we reviewed our support center files regarding the two incidents claimant reported. In both instances, claimant's units were returned to APC for review and were replaced with new units. On both occasions, we reviewed the units and we were able to repair the units that were, otherwise, in good operating condition. It is our determination that the consecutive incidents were purely coincidental.

We appreciate the Consumer Products Safety Commission contacting us regarding these matters. Please contact us immediately if there are any further developments in any of these cases. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,


Peter Wexler
Associate General Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278
132 Fortground Road
West Kingston, RI 02892
Call 401 789 5735
Fax 401 789 3710
Visit www.apc.com
APC is an equal opportunity employer and values workforce diversity.
APC's quality system is ISO 9002 certified.

Doc No: I0470345A

Issue: 43

07/20/2004

07/18/2004 10:32:53

Name = (b)(6)
Address =

City = Fort Walton Beach

State = Florida

Zip = 32547

Email = (b)(6)
Telephone =
Name of
Victim's

Victim's City = Fort Walton Beach

Victim's State = Florida

Victim's Zip = 32547

Victim's Telephone = (b)(6)

Incident Description: An APC Smart UPS 1500 was smoken and was on fire. Approxiametly 4 months ago we had another unit do the same thing. We contacted APC and they sent a replacement unit. The replacement unit is the item that was on fire again. We have three models of APC and this is the only model that we are having this problem with.

Victim's age at time of incident = 43

Victim's sex = Female

Date of incident = 7/18/04

Product involved = APC Smart UPS

Product brand name/manufacturer = APC

Place where manufactured (City and State or Country) =

Product involved still available = Yes

Product model and serial number, manufacture date = SUA 1500

Date product purchased = Less than 4 months

Name Release = Release name to manufacturer only

05740

| | | | | |
|--|--|---|---|--|
| 1. Task Number 041201CWE5008 | | 2. Investigator's ID 9048 | | EPIDEMIOLOGIC INVESTIGATION REPORT |
| 3. Office Code 840 | 4. Date of Accident YR MO DAY 2004 11 13 | 5. Date Initiated YR MO DAY 2004 12 01 | | |
| 6. Synopsis of Accident or Complaint UPC na A 44-year-old female was working on her home computer that was plugged into a battery back-up unit when it began to smoke and produce an odor of burning plastic. She immediately turned off the unit and unplugged all components that were in it. When her husband removed it from its receptacle 20 minutes later, it was still warm. | | | | |
| 7. Location (Home, School, etc) 1 - HOME | | 8. City HONOLULU | | 9. State HI |
| 10A. First Product 557 - Computers (equipment And Elec | | 10B. Trade/Brand Name APC BACK-UPS OFFICE 500 VA | | 10C. Model Number BF500 |
| 10D. Manufacturer Name and Address AMERICAN POWER CONVERSION 132 Fairgrounds Road W. Kingston, RI 02892 | | | | |
| 11A. Second Product | | 11B. Trade/Brand Name | | 11C. Model Number |
| 11D. Manufacturer Name and Address | | | | |
| 12. Age of Victim 44 | 13. Sex 2 - Female | 14. Disposition 0 - No Injury | | 15. Injury Diagnosis 70 - No Injury |
| 16. Body Part(s) Involved 99 - NO INJURY | 17. Respondent 1 - Victim/Complainant | 18. Type of Investigation 1 - On-Site | | 19. Time Spent (Operational / Travel) 19 / 1 |
| 20. Attachment(s) 9 - Multiple Attachments | | 21. Case Source 07 - Consumer Complaint | | 22. Sample Collection Number 058407248 |
| 23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal | | | | |
| 24. Review Date 02/14/2005 | 25. Reviewed By 8101 | | 26. Regional Office Director Frank J. Nava | |
| 27. Distribution Nash, Yolanda E.; Stern, Richard L. | | | 28. Source Document Number 10480412A | |

MICROBIAL INVESTIGATION
COMPLETED
DATE
4/29/06
BY
[Signature]

NARRATIVE:

The following information was obtained from the complainant and owner of the incident product during an in-person interview at the military base where he lived.

The incident product involved a back-up battery powered supply UPS unit (refer to Exhibit 3 - photo 1) the complainant purchased new from a local air force exchange in November of 2002 for somewhere between \$70-100.

After reading the user's manual for the unit, the complainant explained that the included battery was required to be installed prior to use. This simply involved opening the battery compartment's cover on the back of the unit and inserting the positive (red) and negative (black) wires there into the corresponding terminal on the battery. The battery was then placed into the compartment and the compartment cover was reinstalled.

Since July of 2003, the complainant and his wife lived in military housing that consisted of three bedrooms and two-and-a-half baths. The two-story home was built in the 1930s. It was equipped with several smoke detectors with the closest to the incident product located in the hallway adjacent to the family room.

The back-up battery unit was stored under a desk and on top of a computer speaker in the complainant's family room. Combustibles were not stored in the vicinity of the unit. The back-up battery was the only appliance plugged into one of two receptacles of a duplex wall outlet there. A black

power switch on the unit turned it on when depressed. A reset button was located directly above the power switch. Three communication ports were located on the back of the unit allowing the capability to use a telephone, modem/fax or high speed internet.

The back-up battery unit was equipped with six receptacles that provided full time surge protection. Its battery provided back-up power to three of the six receptacles. The complainant said the family's home computer and monitor were plugged into two of the three receptacles with back-up power while the computer printer and speakers were plugged into two receptacles with only surge protection and no back-up power. He added that the incident product has been powered on continuously since it was plugged into the wall outlet while the computer components plugged into it are typically powered on daily from 7:00 a.m. until 11:00 p.m. The unit has never been modified and no problems were ever experienced with it until the incident date.

The incident occurred during the afternoon of November 13, 2004, Saturday. The weather that day was typically warm and dry. The complainant said the home computer was turned on at about 7:00 a.m. At 10:00 a.m., his 44-year-old wife began working on the computer. Nothing unusual was observed during this time. His wife is 5'4" in height and in good health, with no mental or physical disabilities. She does not smoke and was not taking any medications that day. She is a college graduate and has taken post-graduate courses. Their annual household income exceeds \$35,000. The complainant has owned two other back-up power supply units previously and both he and his wife were

knowledgeable of the hazards associated with these products.

At approximately 1:00 p.m., the complainant's wife was sitting at the desk and working on the computer when she smelled an odor of burning plastic. Further investigation revealed smoke was coming from the incident back-up power supply unit. The complainant said the unit's circuit breaker did not shut off power to it automatically and that it continued to supply power to all components that were plugged into it. The amount of smoke from the unit increased until the complainant's wife turned it off manually. However, this amount was not sufficient enough to activate the nearby smoke detector.

Although she subsequently unplugged all components connected to the APS unit, the complainant's wife left the incident product plugged into its electrical outlet since it was located behind a piece of furniture, making it inaccessible. She immediately telephoned her husband and reported the incident to him and at 1:20 p.m., he returned home and unplugged the incident product from its electrical outlet. He said the odor of burning plastic still lingered in the room and the unit was still warm to the touch.

No injuries resulted from the incident and although no visible damage was observed to the incident back-up power supply unit, the complainant discontinued using it due to the fire hazard it presented.

Shortly after, the complainant contacted the manufacturer's customer service department to inform them of the incident

and offer the return of the defective product to have the problem investigated. He was not asking for any compensation in return. However, the representative responded by informing him the product was no longer under warranty. They instructed him not to return the product since they were not interested in it and asked if they could sell him another unit instead.

Because the complainant feared that the defective unit would have started a fire if his wife was not present when it began to smoke, he reported the incident to the Commission in an attempt to prevent other incidents from occurring.

On February 7, 2004, the complainant voluntarily turned custody of the incident product and its battery over to CPSC (refer to Exhibit 1 - Receipt for Samples and Exhibit 2 - Affidavit). The unit was shipped to the Sample Storage Facility as an official sample (05-840-7248). However, its battery was not shipped due to its lead content and the hazard it presents.

Research of CPSC's website revealed the manufacturer previously conducted a recall of two different model back-up power supply devices (CPSC Release #03-068) due to the fire hazard they posed.

PRODUCT IDENTIFICATION:

The incident product was an **APC** 500 VA Back-UPS Office 500 VA (refer to photo 3) power supply unit the complainant had purchased new sometime in November of 2002, from his local Air Force Exchange for somewhere between \$70-100. Its

model number was BF500 while the serial number was NB0042320470 (refer to photo 8). The manufacturer is located at 132 Fairgrounds Road, W. Kingston, RI 02892. Their customer service number in the USA is (800)800-4APC and their web site is www.apcc.com.

An examination of the incident unit revealed no visible damage to the unit. The product was dark gray in color and was constructed of plastic (refer to photos 2). It measured 17" long, 6" wide, and 2 ½" tall. It was equipped with a 1 ¾" long, 3-pronged plug that was labeled in part, "WELL SHIN WS-001 E115330 T-3/XXX." This plug was attached to a 70" long electrical cord that was labeled, "(UL)SJT E90165 75°C VW-1 16AWGX3C SHIELDED WELL SHIN CSA TYPE SJT 60°C 16AWGX3C SHIELDED FT2 LL57855 (refer to photo 4)."

A black power push switch was located on the top right of the unit while a black push reset button was located above it (refer to photo 5). Full time surge protection was provided to the six grounded receptacles on the top panel while back-up battery power was supplied to the three receptacles on the left end. Battery light indicators were located below these receptacles (refer to photo 6).

The bottom of the unit was labeled with the following specifications: "Input: 120V~, 10A, 60Hz / Output, UPS Outlets/350: 120V~, 2.9A, 60Hz, 225W / Output, UPS Outlets/500: 120V~, 4.2A, 60Hz, 325W / Output, Surge Protected Outlets: 120V~, 10A, 60Hz / Total Output Current: 10A/XXX." Caution statements were also noted here (refer to photos 7, 9, 11). Labeling here also indicated that the unit met FCC Reg. No. 1XHUSA-25571-XP-N standards and that

it was UL LISTED 42C2 / E95463 and CSA listed LR63938
(refer to photo 10).

A cover located on the bottom enclosed a compartment that housed the unit's lead battery. This cover was opened by depressing its two tabs, then sliding the cover to the right. A black (negative terminal) and red (positive terminal) wire there supplied power to the unit when connected to the battery (refer to photos 12-14).

Three ports were located on the back of the unit. These allowed a phone, phone/fax/modem, and high speed line to be connected here (refer to photo 15-16).

The lead battery measured 5 ½" in length, 1-13/16" wide, and 4" in height. Its red colored labeling stated in part, "Sealed Lead Battery. / CSB BATTERY CO., LTD. / HC 1221W / MADE IN TAIWAN / Pb NONSPILLABLE /XXX." The positive (+) and negative (-) were located on the top while a CAUTION label was located on its side (refer to photos 17-19).

EXHIBITS:

1. Receipt for Samples (1 page).
2. Affidavit (1 page).
3. Photographs (19 photos taken by this investigator).

CONTACTS

IDI # 041201CWE5008

Complainant: Lynn Broome
303-A Signer Boulevard
Honolulu, HI 96818
Ph. 808-448-1063 (work)
Ph. 808-291-0662 (cell)

Interviewed at Air Force base: February 7, 2005

| | | | |
|---|--|--|--|
| U.S. CONSUMER PRODUCT SAFETY COMMISSION | | 1. AREA OFFICE ADDRESS 575 Cooke Street, Suite A, #2208 Honolulu, HI 96813 | |
| 2. NAME OF INDIVIDUAL Lynn Forbome | 3. TITLE OF INDIVIDUAL Consumer | 4. DATE 02-07-2005 | |
| 5. FIRM NAME N/A | | 6. SAMPLE NUMBER 05-840-7248 | |
| 7. NUMBER AND STREET 303A Storer Blvd. | 8. CITY AND STATE (Include Zip Code) Honolulu, HI 96818 | | |
| 9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification) The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2078(f) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form. (1) APC battery backup unit for computers. Serial number: NB0042320470. Model: BACK-UPS OFFICE 500VA, #BF-500 | | | |
| 10. SAMPLES a. AMOUNT RECEIVED FOR SAMPLE \$ 0.00 | 11. SAMPLES WERE <input type="checkbox"/> PURCHASED <input type="checkbox"/> BORROWED (To be returned) | 12. COLLECTOR a. NAME (Print or type) D. Cheng | |
| b. SIGNATURE (Person from whom sample received) Lynn Forbome | | b. SIGNATURE D. Cheng | |

| | |
|------------------|-----------------------------------|
| AFFIDAVIT | SAMPLE NO. 05-840- <u>7248</u> |
| STATE OF HAWAII | COUNTY OF HONOLULU |

Before me, DAVID G. CHENG, a duly authorized employee of the Consumer Product Safety Commission, appropriately designated by the Chairman of said Commission pursuant to provisions of the Consumer Product Safety Act (sec. 27 (b) (2), 86 Stat. 1228; 15 U.S.C. 2076 (b) (2), to administer or take oaths, affirmations, and affidavits, personally appeared LYNN BROOME in the county and State aforesaid, who, being first duly sworn, deposes and says:

I am Lynn Broome of 303A Signer Blvd., Honolulu, HI 96818. Sometime about November of 2002, I purchased a new APC brand computer battery backup unit from the local Air Force exchange at Hickham Air Force Base in Hawaii. I paid somewhere between \$75-100 for the unit.

The battery backup unit was in good condition since its installation until the incident date of November 13, 2004, when it started to produce smoke and an odor of burning plastic while my wife used the computer that was plugged into it.

On February 7, 2005, Investigator Cheng took custody of the incident battery backup unit after presenting his credentials to me. The unit was provided to him voluntarily and at no cost and I understand I am hereby relinquishing all rights of control and ownership of this battery backup unit and that it will not be returned to me.

AFFIANT'S SIGNATURE & TITLE

Lynn A. Broome consumer

FIRM (Name and address, include ZIP Code)

Lynn Broome
303A Signer Blvd.
Honolulu, HI 96818

Subscribed and sworn before me at Honolulu, HAWAII
(City and State)

this 7th day of February, 2005.

D Cheng

(Employee's Signature)

EMPLOYEE OF THE CONSUMER PRODUCT SAFETY COMMISSION ACTING IN ACCORDANCE WITH AUTHORITY GRANTED IN THE ABOVE STATED DECLARATION.

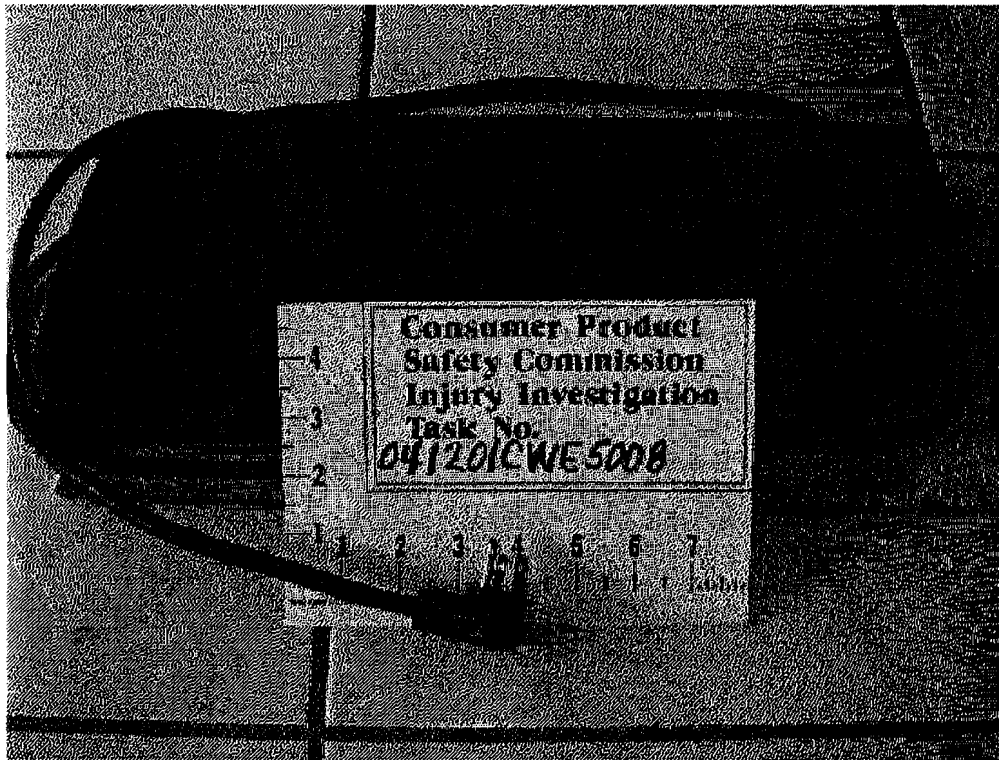


Photo 1: Incident computer back-up power supply unit.

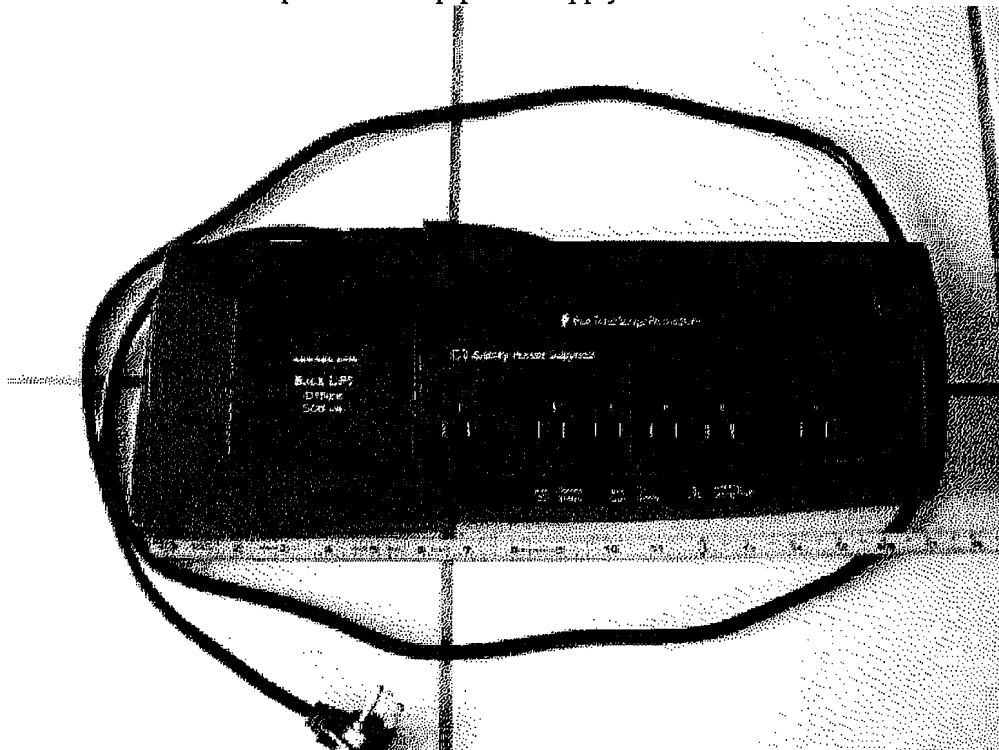


Photo 2: Top view of unit.

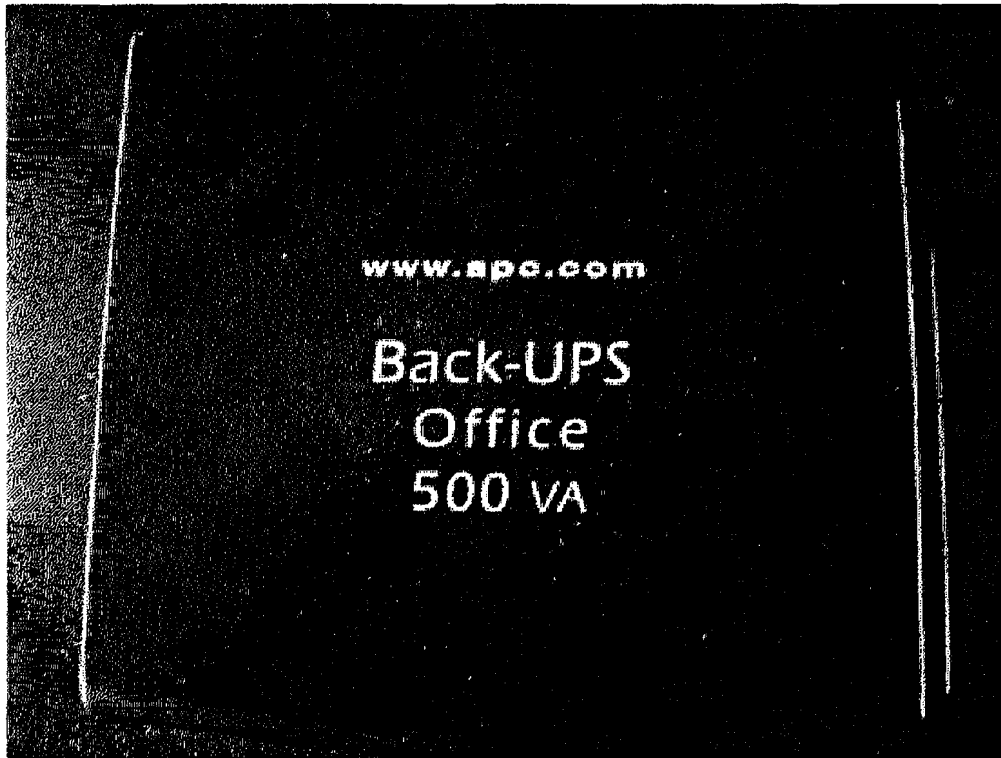


Photo 3: Incident product was manufactured by APC. It was a Back-UPS Office 500 VA model.

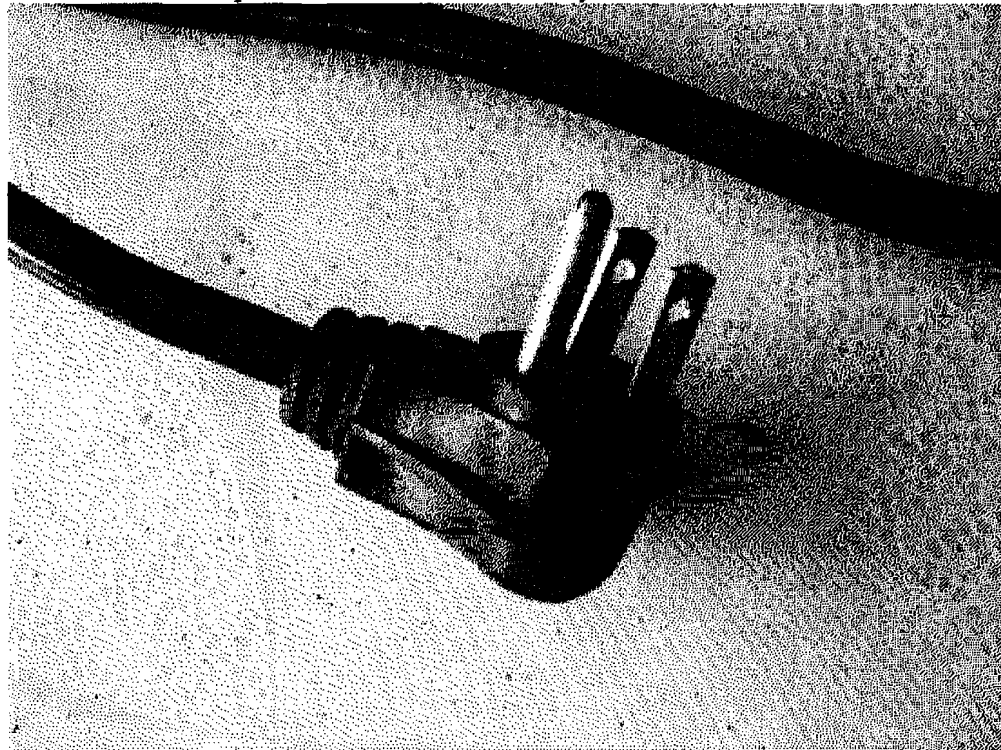


Photo 4: Power was supplied to it via a 3-pronged grounded electrical plug.

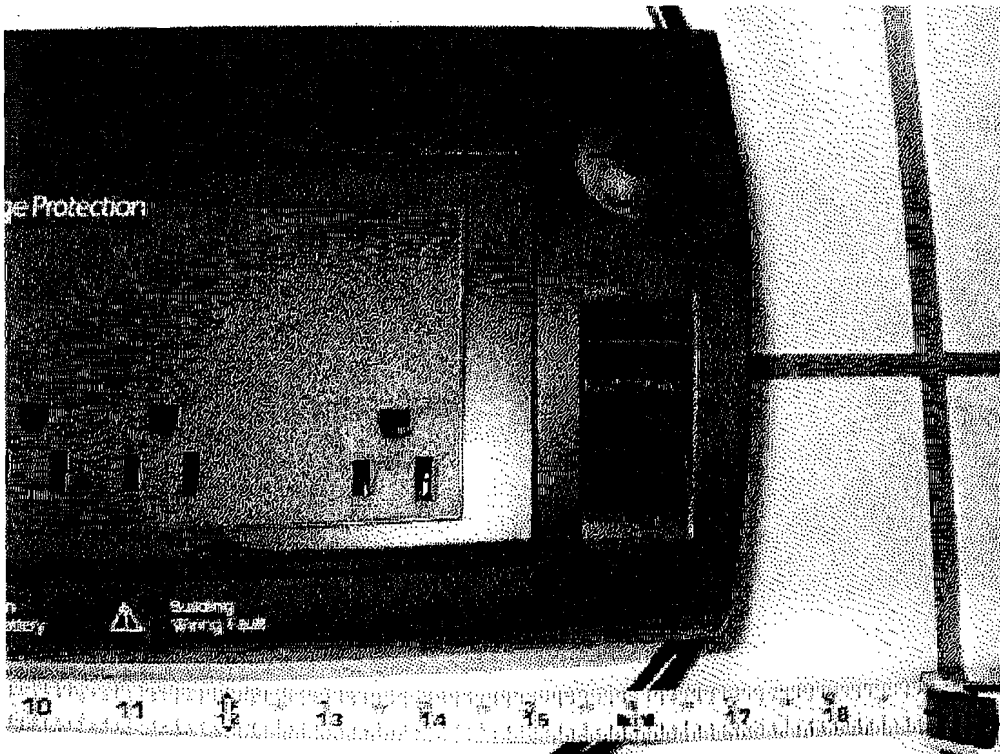


Photo 5: A black push-button supplied power to the unit while a black reset button was above it.

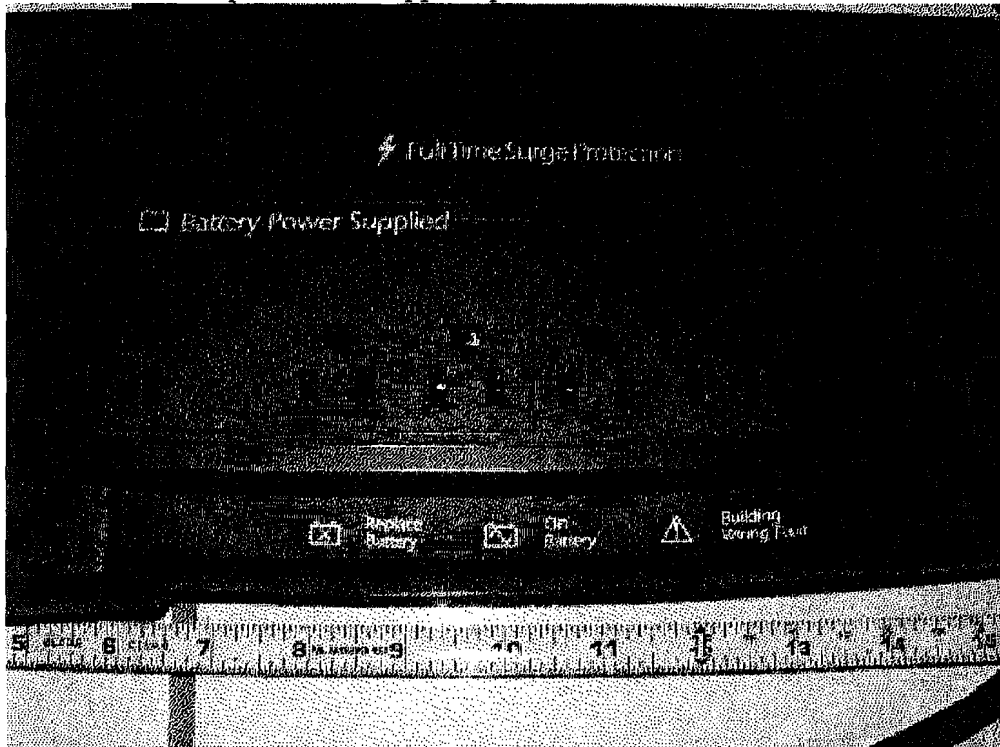


Photo 6: The unit was equipped with six surge-protected receptacles. The back-up battery supplied power to three of these.

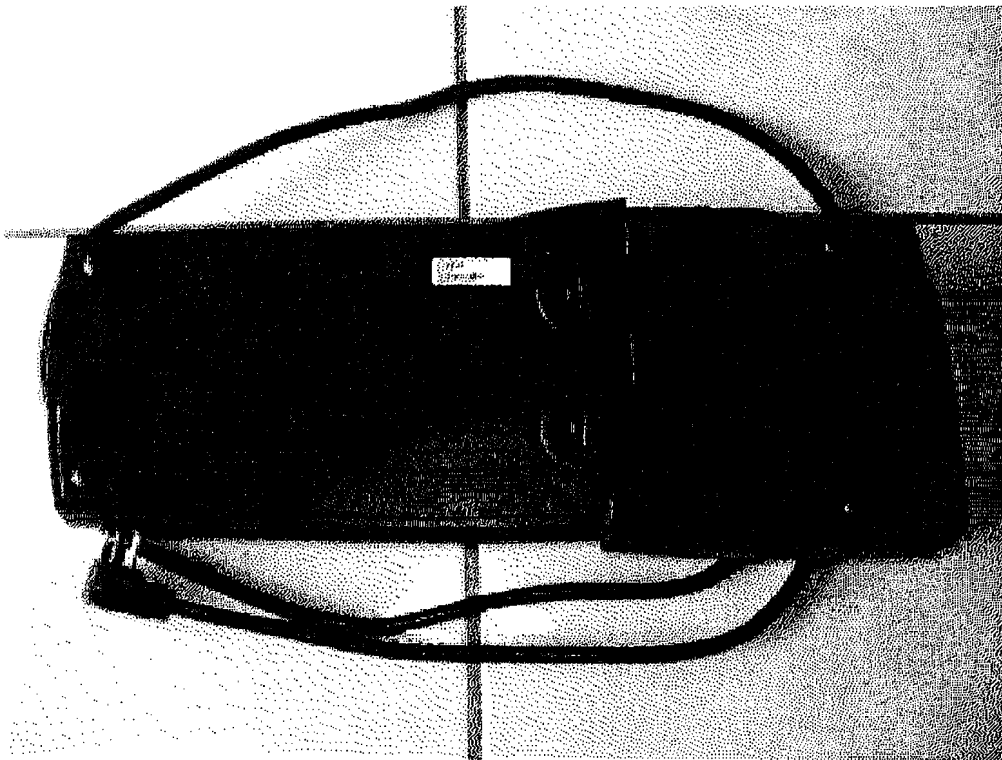


Photo 7: Bottom side of unit.

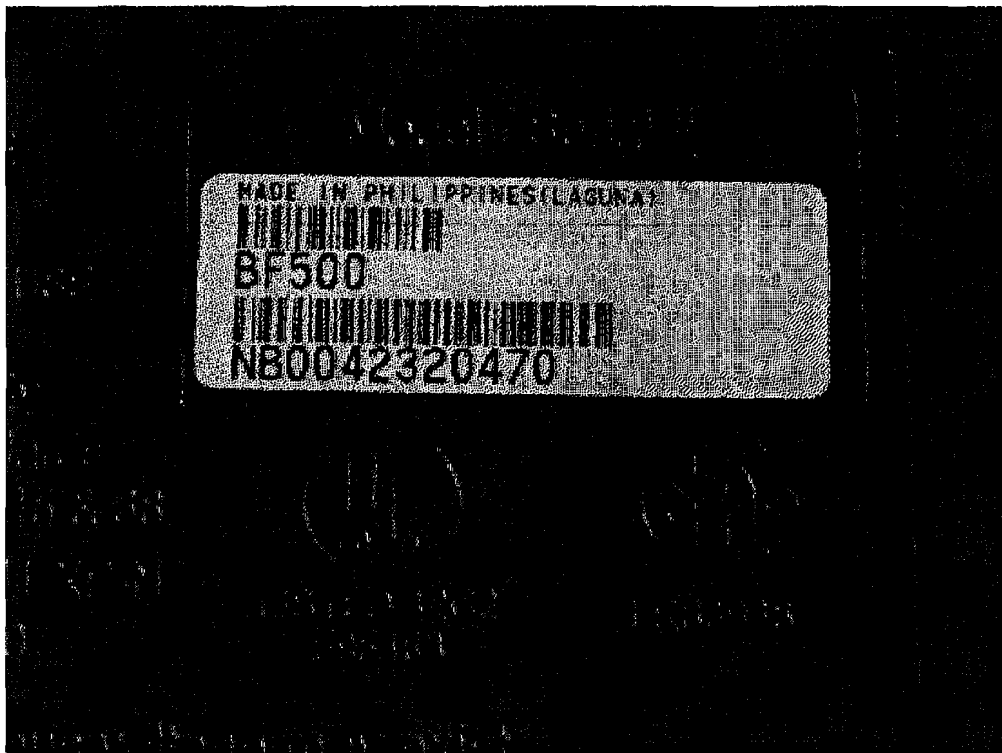


Photo 8: The unit's model was BF500 and its serial number was NB0042320470.

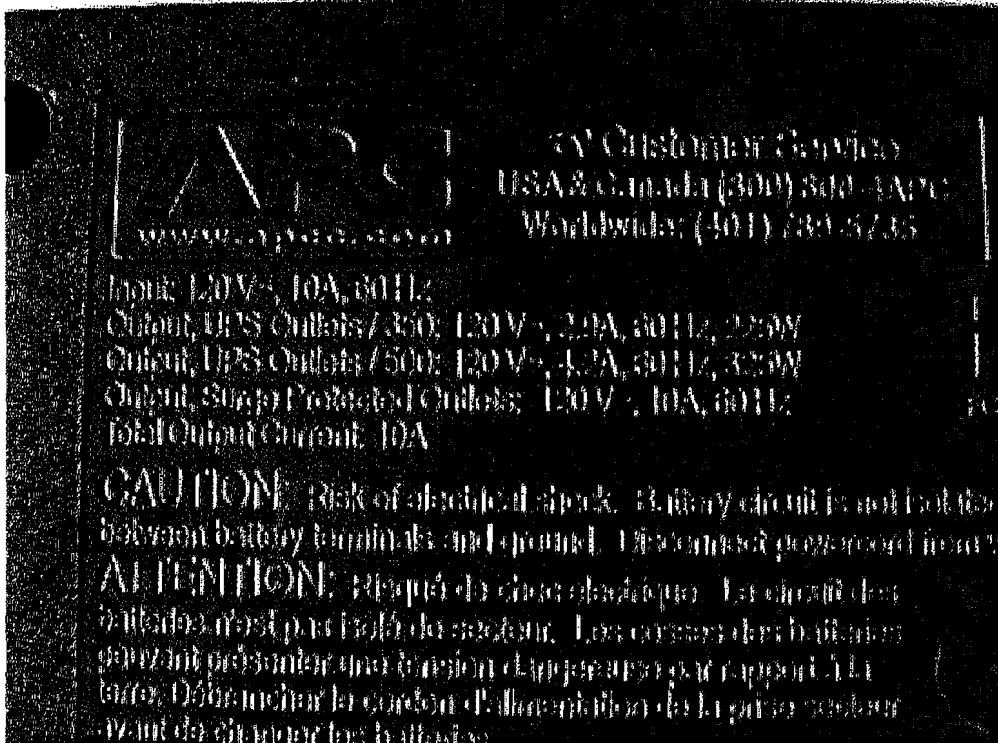


Photo 9: Unit specifications located on bottom side of unit.

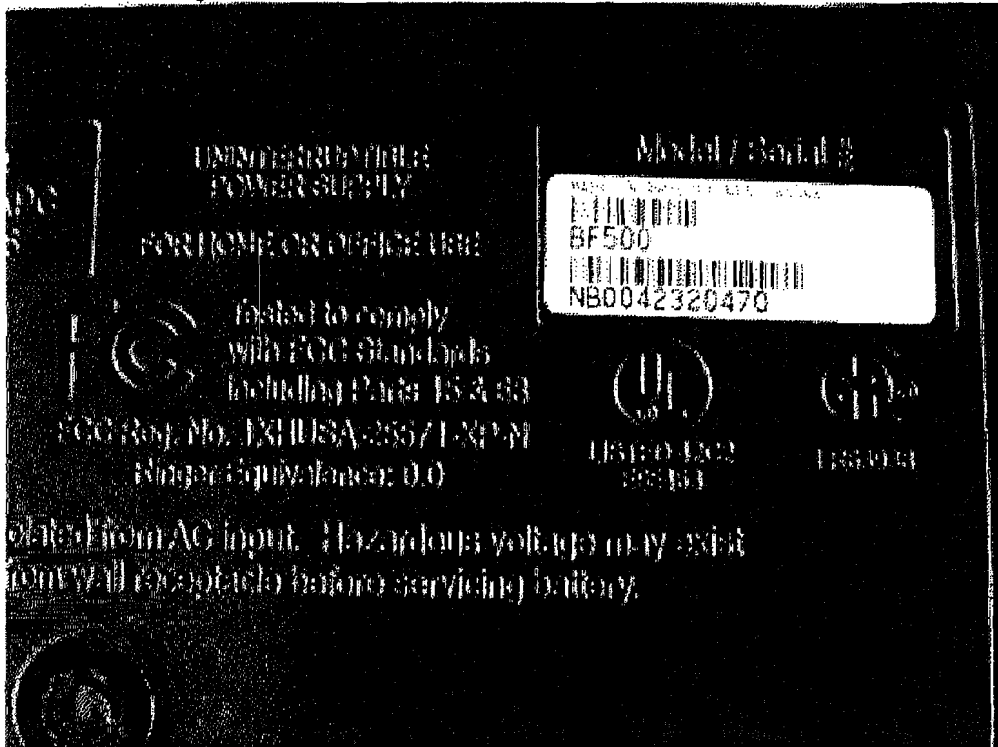


Photo 10: The unit was listed with UL, CSA, and the FCC standards.

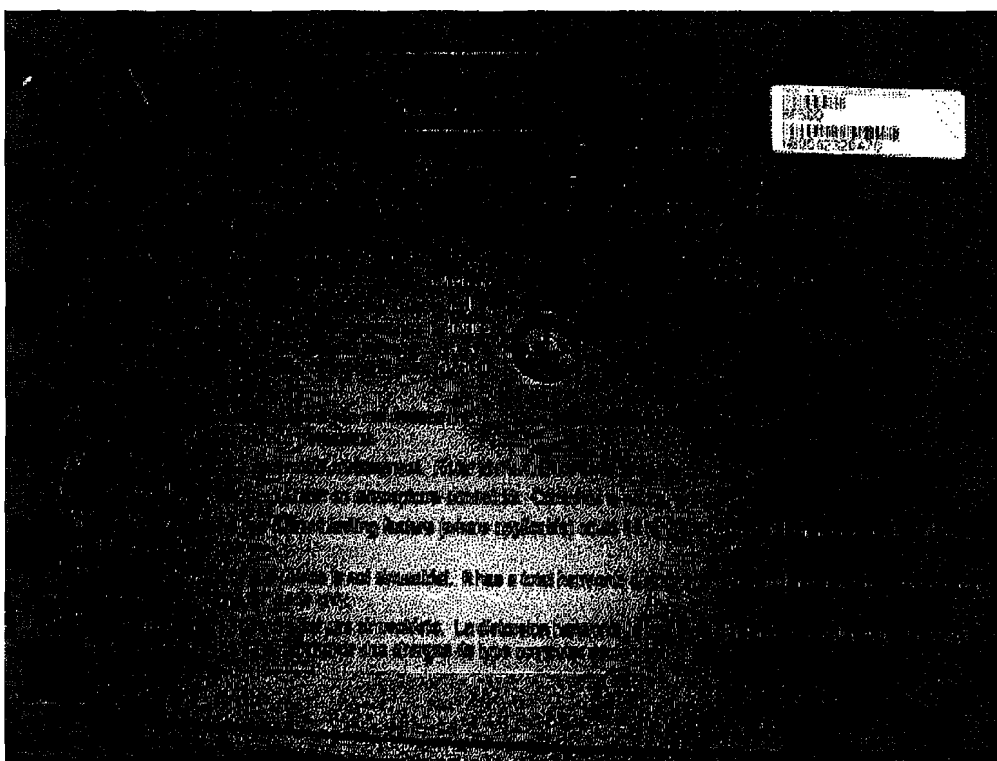


Photo 11: Additional CAUTION labeling on bottom of the unit.

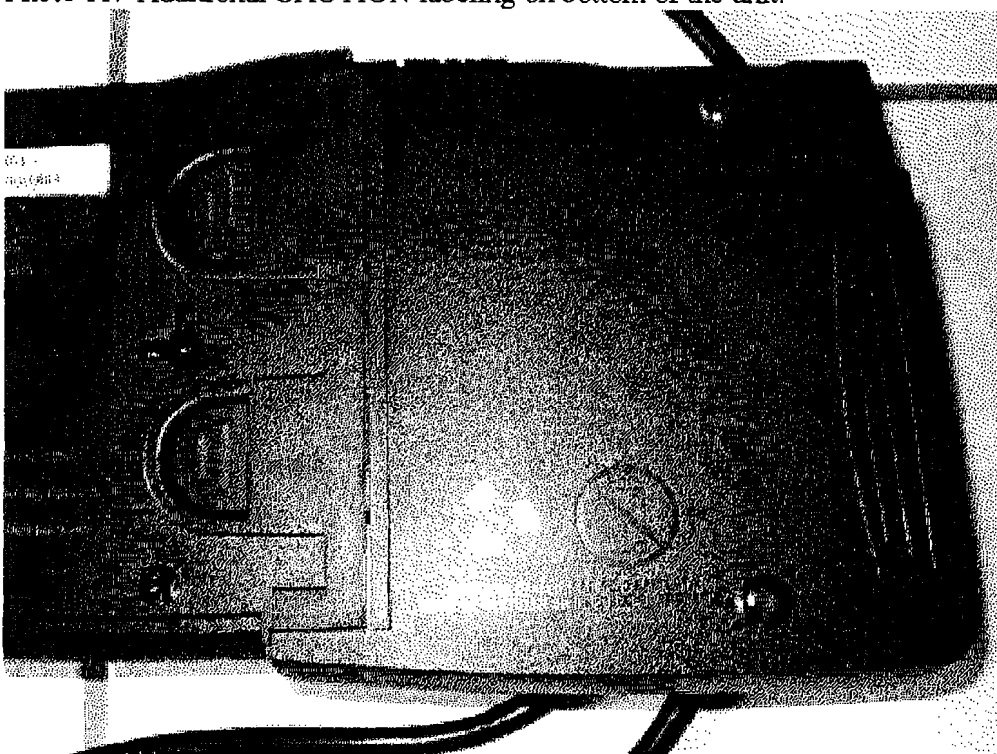


Photo 12: Battery compartment cover.

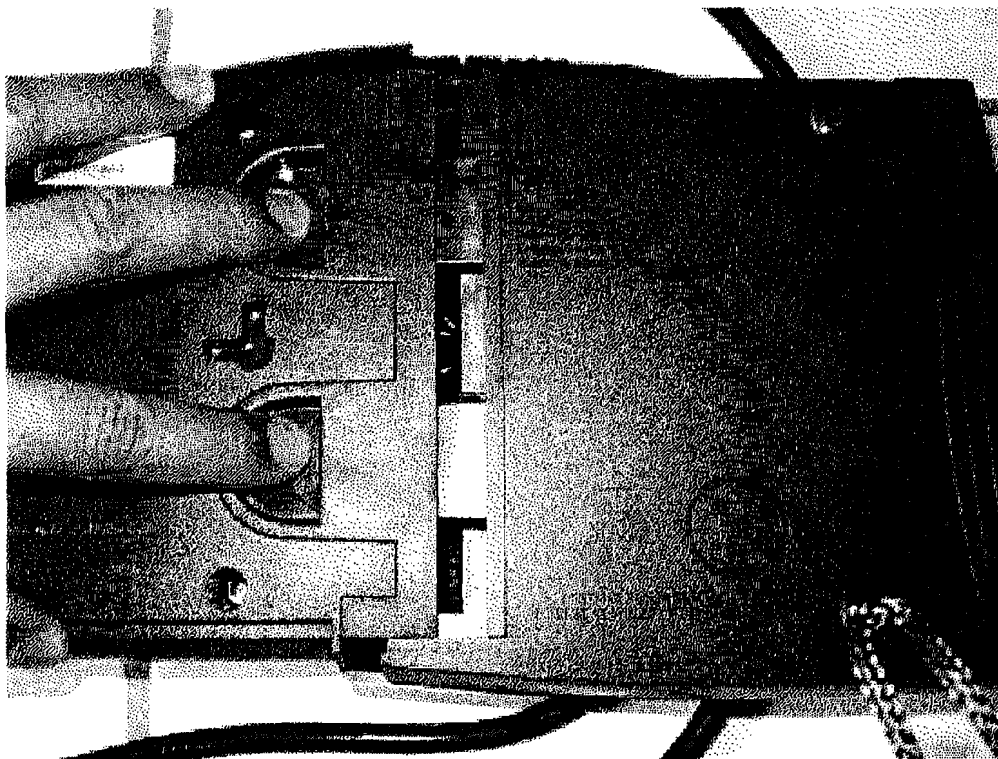


Photo 13: Battery compartment was opened by depressing two plastic tabs and sliding cover to the right.

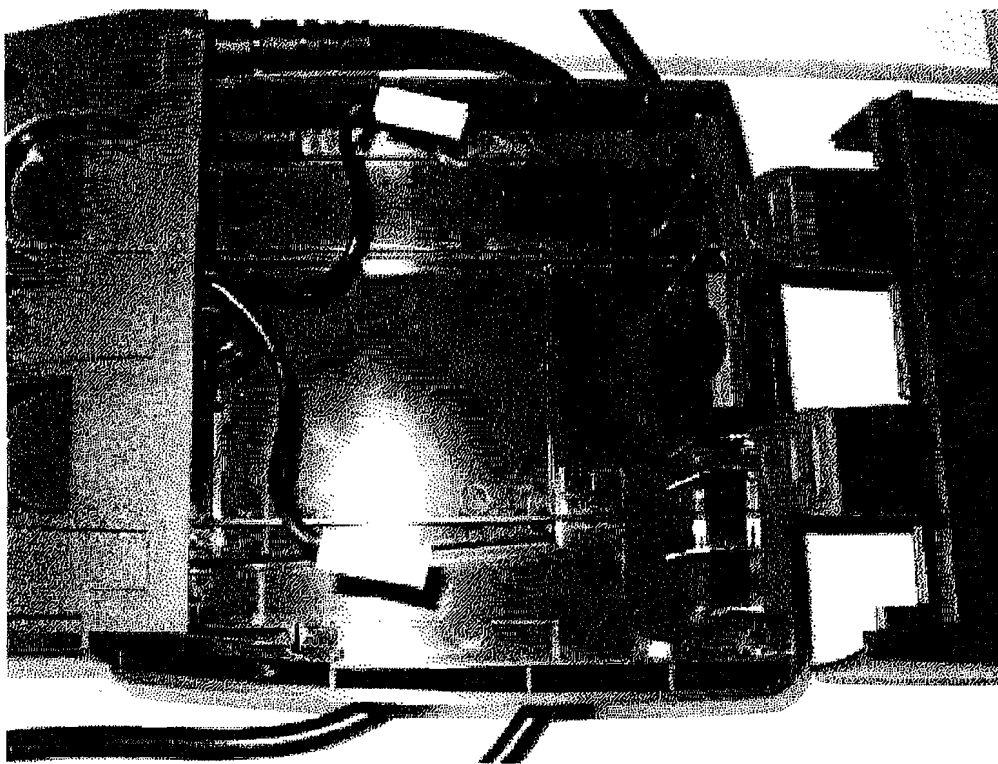


Photo 14: A red colored wire connected to the battery's positive terminal while the black wire connected to the negative terminal.

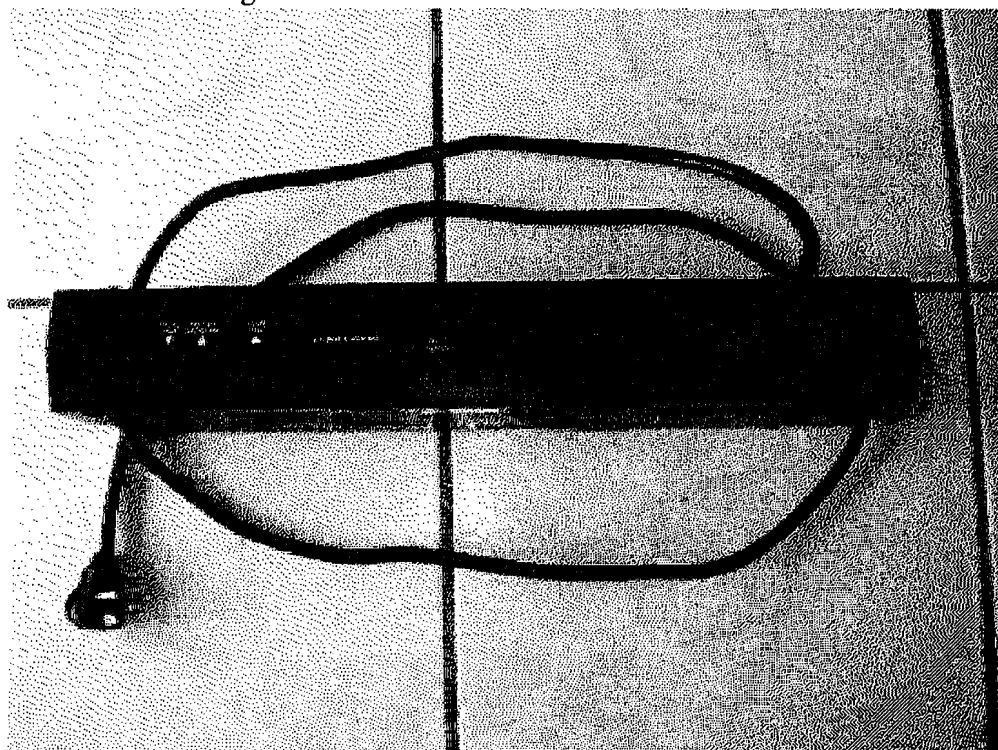


Photo 15: Back side of unit.



Photo 16: Back side was equipped with three ports.

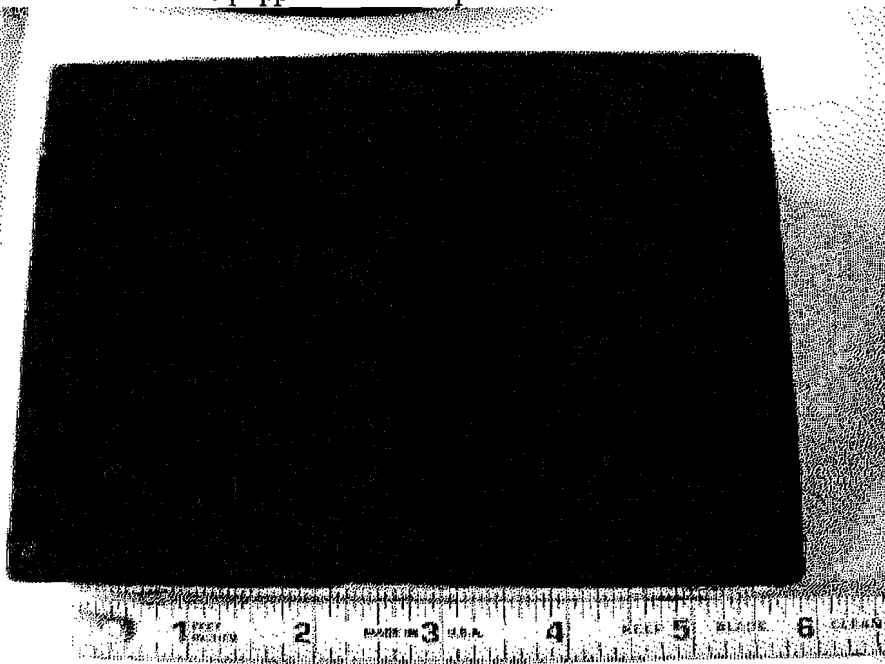


Photo 17: Front side labeling of lead battery.

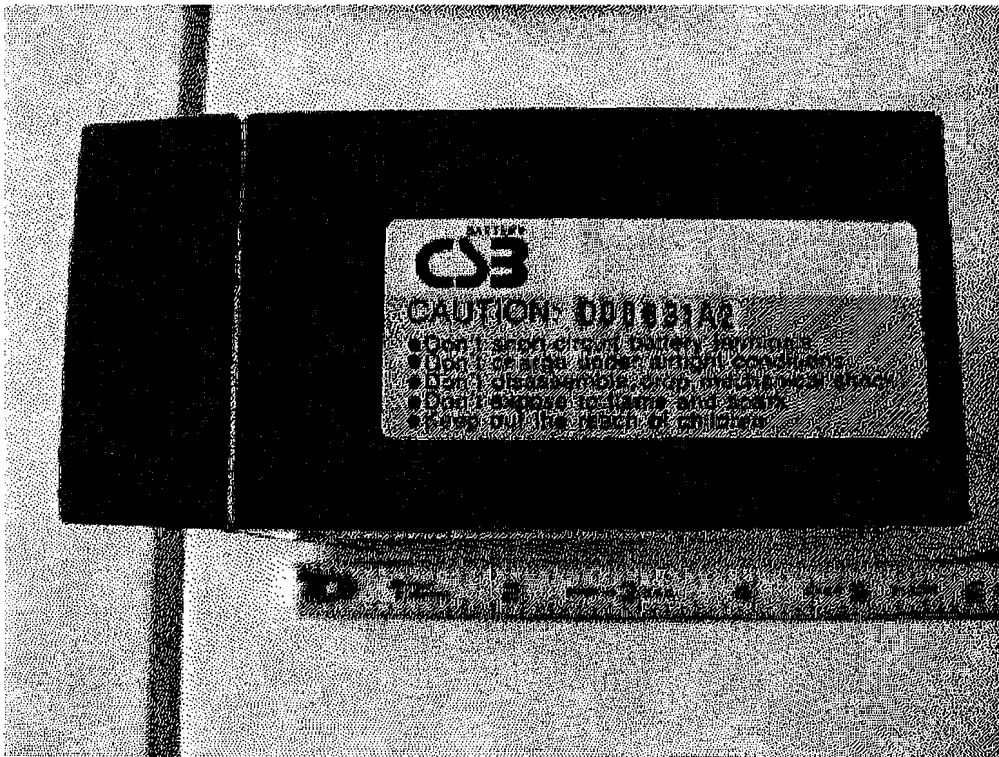


Photo 18: CAUTION labeling on side of battery.

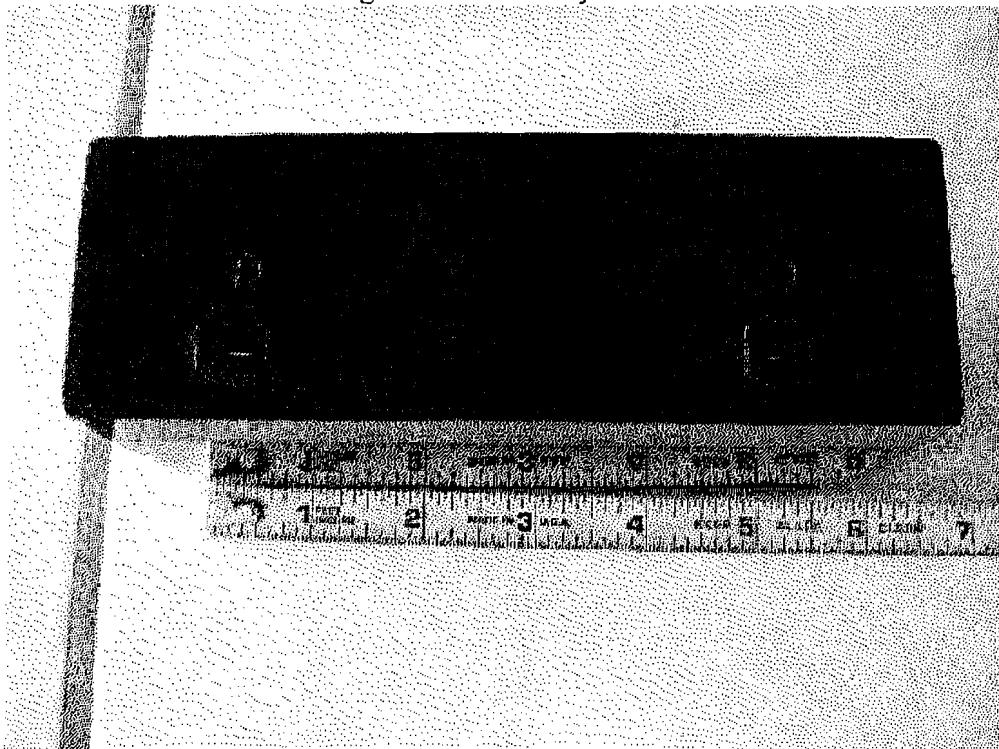


Photo 19: Top of battery with female terminal ports.



May 20, 2005

Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

RE: 041201CWF008 ✓
5008

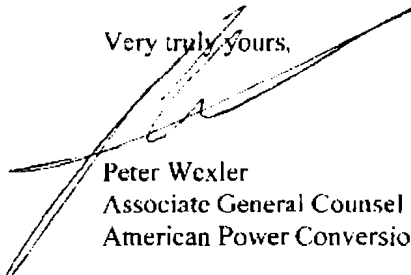
Dear Ms. DeTemple:

Thank you for your letter dated April 15, 2005 regarding the above referenced incident ("Claim") allegedly involving one of our products. We have read the report in detail and despite the indication in the documents accompanying the Claim that the customer contacted APC, we have not, to the best of our knowledge, receive any claims or information related to such Claim. Absent review of the unit we cannot, at this time, evaluate the basis of the Claim or provide any potential root cause analysis. However, from a review of the materials provided by you, it appears, at this time, that the unit functioned in accordance with its specifications.

We appreciate the Consumer Products Safety Commission contacting us regarding this matter. Please contact us immediately if there are any further developments in this case. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,



Peter Wexler
Associate General Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com

APC is an equal opportunity employer which values workforce diversity.
APC's quality system is ISO 9002 certified.

Doc No: I04B0412A

Issue: 9

11/26/2004

11/24/2004 05:07:03

Name = Lynn Broome
Address = 303A Signer Blvd
City = Honolulu
State = Hawaii
Zip = 96818
Email = lbroome@hawaii.rr.com
Telephone = 808 291-0662
Name of Victim = Lynn Broome
Victim's Address = 303A Signer Blvd
Victim's City = Honolulu
Victim's State = Hawaii
Victim's Zip = 96818
Victim's Telephone = 808 291-0662

Incident Description: While working on our home computer, smoke started coming out of the back-up power supply the computer was plugged into. The smoke continued to increase until the unit was manually turned off. The unit continued to supply power to all connected equipment, and its circuit breaker did not trip. Once the unit was turned off, the smoke disapated. It is likely that a fire would have ensued had no one been at the computer and noticed smoke pouring out of the unit, then quickly shut down the the unit. None of the equipment plugged into the back-up power supply malfunctioned to cause the unit to overheat.

Victim's age at time of incident = 44
Victim's sex = Male
Date of incident = 13 Nov 04
Product involved = 500 VA Back-up Power Supply
Product brand name/manufacturer = APC
Place where manufactured (City and State or Country) = Laguna, Philippines
Product involved still available = Yes
Product model and serial number, manufacture date = Back-UPS Office 500 VA, BF500, S/N NB0042320470
Date product purchased = nOV 2002
Name Release = Release name to manufacturer only

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I contacted APC customer service and offered to return the unit to them so they could investigate the problem (if they paid for the shipping). They were not interested in my offer. APC has recalled other models of their back-up power supplies. The failure of my unit could indicate additional recalls are necessary.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Ryan D. Broome
Signature

6 Dec 04
Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

Doc No: I07B0682A

Issue: 9

11/27/2007

11/24/2007 15:59:08

Name = (b)(6)
Address =
City = Katy
State = Texas
Zip = 77491
Email = (b)(6)
Telephone =
Name of
Victim's
Victim's City = Katy
Victim's State = Texas
Victim's Zip = 77491
Victim's Telephone = (b)(6)

8/20/08
EXEMPTIONS FOR
REVISIONS
DO NOT RE-NOTIFY

Incident Description = I smelled a strong sulfur in my office. In searching for the source of the smell, I discovered the product was very hot and making a sizzling sound. Afraid that it might explode, I unplugged the product and prepared to carry it outside. The bottom of the product was so hot, it burned my hand. I then used hotpads to lift and carry the product to our back porch. When I opened the battery compartment, I discovered they were extremely hot and the cases were swollen and gas seemed to be coming out of them. I feel I was lucky I was home when the product decided to fail, also that it didn't melt the carpet under the UPS. I assume something went wrong with the charging circuit, and am disappointed the charger doesn't seem to have any sort of thermal protection. Finally, I only had two LCD monitors connected to this product, so I know it was not overloaded.

Pictures of the batteries, once cooled and removed, are here: <http://www.flickr.com/photos/21229337@N06/>

Victim's age at time of incident = 41
Victim's sex = female
Date of incident = 10/2/2007
Product involved = Back up power supply for a computer
Product brand name/manufacturer = APC (American Power Conversion)
Manufacturer street address = 132 Fairgrounds Road, W. Kingston, RI 02892
Place where manufactured (City and State or Country) = unknown
Product involved still available = yes
Product model and serial number, manufacture date = Model: BP1100, Serial: QB0415211263
Date product purchased = unknown
Name Release = Release name to manufacturer only

(b)(6)

Katy TX 77491

Email = (b)(6)
Telephone = (b)(6)
Name of Victim's = (b)(6)

Victim's City = Katy
Victim's State = Texas
Victim's Zip = 77491
Victim's Telephone = (b)(6)

Incident Description = I smelled a strong sulfur in my office. In searching for the source of the smell, I discovered the product was very hot and making a sizzling sound. Afraid that it might explode, I unplugged the product and prepared to carry it outside. The bottom of the product was so hot, it burned my hand. I then used hotpads to lift and carry the product to our back porch. When I opened the battery compartment, I discovered they were extremely hot and the cases were swollen and gas seemed to be coming out of them. I feel I was lucky I was home when the product decided to fail, also that it didn't melt the carpet under the UPS. I assume something went wrong with the charging circuit, and am disappointed the charger doesn't seem to have any sort of thermal protection. Finally, I only had two LCD monitors connected to this product, so I know it was not overloaded.

Pictures of the batteries, once cooled and removed, are here:
<http://www.flickr.com/photos/21229337@N06/>

Victim's age at time of incident = 41
Victim's sex = female

Male

Date of incident = 10/2/2007
Product involved = Back up power supply for a computer
Product brand name/manufacturer = APC (American Power Conversion)
Manufacturer street address = 132 Fairgrounds Road, W. Kingston, RI 02892
Place where manufactured (City and State or Country) = unknown
Product involved still available = yes
Product model and serial number, manufacture date = Model: BP1100, Serial: QB0415211263
Date product purchased = unknown
Name Release = Release name to manufacturer only



Critical Power and Cooling Services

April 23, 2008

VIA E-Mail

Pamela McDonald
Lead, Technical Information Specialist
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 502
Bethesda, Maryland 20814

RE: I07B0682A ✓

Dear Ms. McDonald:

Thank you for your letter dated February 29, 2008 regarding the above referenced incident ("Claim") involving one of our products. We have read the report in detail and carefully reviewed our records. Mr. Sembroski did contact American Power Conversion Corporation's ("APC") customer support hotline which allowed APC to evaluate the basis of the Claim and provide potential root cause analysis. After a review of the unit, APC determined that the swelling of the batteries had reached the end of their life and were in need of replacement. A replacement product was then sent to Mr. Sembroski.

We appreciate the Consumer Products Safety Commission contacting us regarding these matters. Please contact us immediately if there are any further developments in this claim. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2902.

Once again, thank you for your letter.

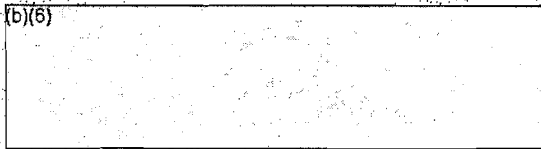
Very truly yours,

Paula Steele
Senior Legal Counsel
American Power Conversion Corporation



If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b)(6)


Signature

12/7/07

Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

ISSUE

JAN 30 2003

030331

Pulley, Autumn S

From: Pucciarelli, Ellen M
 Sent: Thursday, January 30, 2003 8:41 AM
 To: Emerging Hazards; Hazard; Internet Incident Reports; Clearinghouse
 Cc: Cohn, Murray S.
 Subject: Internet Form Complaint - Doc #10310440

1/30/03 2:04:44 AM

Name = (b)(6)
 Address =
 City = S
 State = OR
 Zip = 97300
 Email = (b)(6)
 Telephone =
 Name of Victim =
 Victim's Address =
 Victim's City =
 Victim's State =
 Victim's Zip =
 Victim's Telephone =

8/13/03
 MFR/PRV NOTIFIED
 No Comments made
 Comments attached
 Excisions/Revisions
 Firm has not requested
 further notice

Incident Description: I believe the recall just issued for two specific APC models may be more widespread among other models as well. See text below.

John,
 Thanks for your reply. The model number is SU700NET and the serial number is NS9750000412. I am the original owner. The unit is used in my home, has plenty of ventilation and is on a wooden base on the floor. Regardless of whether you find the UPS is under "warranty" I believe that any product should be warranted indefinitely against burning your house down! Perhaps the Consumer Product Safety Commission should also be notified that this model too has the potential to catch fire as well. My feeling is that as the batteries start to get old the unit attempts to overcharge them. There obviously is no thermal protection in the UPS otherwise it would have shutdown due to the extremely high temperature inside.

Regards,
 Chris Taylor

--- esupport@apc.com wrote:
 > Recently you requested personal assistance from our
 > on-line Support
 > Center. Below is a summary of your request and our
 > response.
 >
 > We will assume your issue has been resolved if we
 do
 > not hear from you
 > within 7 days.
 > Thank you for allowing us to be of service to you.
 >

> You may also update this question by replying to
> this message. Because
> your reply will be automatically processed, you MUST
> enter your reply
> in the space below. TEXT ENTERED INTO ANY
> OTHER PART
> OF THIS MESSAGE
> WILL BE DISCARDED.
> [==> Please enter your reply below this line. <==>]
>
> [==> Please be sure that your reply does not go
> beyond this line. <==>]
>

> If your issue remains unresolved, please update this
> question at
>
> http://nam-en.apc.com/cgi-bin/nam_en.cfg/php/enduser/acct_login.php?p_userid=ctaylor_1@yahoo.com&p_next_page=myq_upd.php&p_refno=030117-000523&p_created=1042787880
>

> Subject
>

> UPS overheating
>

> Discussion Thread
>

> Response (John Erikson) - 01/17/2003 11:24 AM

> Dear Chris;

>
> Thank you for your inquiry. What is the environment
> like where your unit is located? Is its temperature
> controlled? Also, do you have the serial number,
> and model number for that unit, and we can
> determine
> if it is under warranty?

> Custom [redacted] - 01/17/2003 02:18 AM

> I have a SmartUPS 700 that on two occasions has
> overheated to the point of severely distorting the
> batteries and releasing a chemical smell. The first
> time it happened I replaced the batteries thinking
> it was just a bad battery. It again occurred about
> 12 months later. Fortunately I was at home at the
> time because it happened rather suddenly and the
> case became too hot to touch. Neither time was the
> unit in use when this happened. I have since
> discontinued using it. I just noticed that you had a
> recall on some other models. I think you may have a
> problem with this model as well. I will be glad to
> send it to you for evaluation.

> [redacted]
>
>

> Question Reference #030117-000523
>

> Category: [redacted]
> Contact Information: [redacted]

> Date Created: 01/17/2003 02:18 AM
> Last Updated: 01/17/2003 11:24 AM
> Status: Waiting
> Serial:
> Software:
> Version:
> Operating System:
>
>
>
> John Erikson
> APC Customer Solutions Team Representative
>
> How are we doing? Please take a moment to fill out a
> quick survey. The survey is located at the
> following URL:
>
<http://surveys.apcc.com/wilp0056897/ctl.asp?l=9&conce=WK&conme=W&open=qs>
>
>

Victim's age at time of incident =
Victim's sex = Male
Date of incident = 12-15-2002
Product involved = APC SU700NET (Computer UPS)
Product brand name/manufacturer = APC
Place where manufactured (City and State) = Phillipines
Product involved still available = Yes
Product model and serial number = Ser#: NS9750000412
Date product purchased = 1998?
Name Release = Do not release name

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I contacted the manufacturer and they seemed to think that the reason for overheating was due to old batteries. My response to that is the unit should detect if a short occurs or if high internal battery resistance is present and shut down the unit. This happened very quickly and had I not been here I'm sure it would have caused a fire. They said the unit is designed to shut off if the temperature rises to 160°. I can assure you it was hotter, and still operating.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b)(6)



2/21/03
Date

- I request that you do not release my name.
- You may release my name to the manufacturer but I request that you not release it to the general public.
- You may release my name to the manufacturer and to the public.

I0310440 18



Ann DeTemple
Director
United States Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Highway
Room 504
Bethesda, Maryland 20814

SENT VIA FEDEX

RE: 030129CCN0301, *II031032A*
H0310215A, ~~I031312A~~,
C0325001A, II0310361A, I0310440

April 11, 2003

Dear Ms. DeTemple:

Thank you for your letter dated March 31, 2003 regarding the above referenced incidents allegedly involving our products. In regards to Claims #030129CCN0301 and #C0325001A, we have been notified by the customers of the incidents and our respective insurance companies are conducting formal investigations. With regard to Claim #II0310215A, it is our understanding that this issue has been resolved to the customer's satisfaction. Finally, we have not, to the best of our knowledge, receive any claims or information related to Claims #I031312A, #H0310361A and #I0310440.

American Power Conversion Corporation takes the design and manufacture of its products extremely seriously. We appreciate the Consumer Products Safety Commission contacting us regarding this matter. If there is anything else we can do, please do not hesitate to contact me directly at (401) 789-5735 x2255.

Once again, thank you for your letter.

Very truly yours,

Peter Wexler
Senior Counsel
American Power Conversion Corporation

American Power Conversion Corporation
PO Box 278 Call 401 789 5735
132 Fairgrounds Road Fax 401 789 3710
West Kingston, RI 02892 Visit www.apcc.com
APC is an equal opportunity employer which values workforce diversity
APC's quality system is ISO 9002 certified.

024717
EMD/FOE
C0250005

Hi Todd, I was given your name to follow up with regarding requesting information relating to complaints on the APC (American Power Conversion) Back-UPS product. Ours ignited causing a fire.
The model we have is BK350.

14c

Thanks Tim Jacques
fax: 207-396-2688
email: tjacques@hannaford.com

s/c

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MAY 3 2002

Tim Jacques
7 Heritage Lane
Windham, ME 04062

MFR/PRVLR NOTIFIED

- No comments made
- Comments attached
- Excisions/Revisions
- Firm has not requested further notice

No record
EMD/FOE 5/6/02

3/19/03 [Signature]

S-2050034



FAX

Hannaford Bros. Co.
P.O. Box 1000
Portland, ME 04104
(207) 883-2911

TO: TS

FROM: Tim Jacques

DATE: Monday, May 06, 2002 2:25:28 PM

PAGES: 02 including cover sheet

Notes:

Attention Todd Steverson

This facsimile transmission may contain proprietary and/or privileged information that is intended only for the use of the individual(s) named on the transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this communication in error, please immediately notify the sending party by telephone and return the original message to the sender via U.S. Postal Service at the address identified above.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary

Tel: 301-504-0785X1239
Fax: 301-504-0127
Email: tstevenson@cpsc.gov

May 7, 2002

Mr. Tim Jacques
7 Heritage Lane
Windham, ME 04062

Freedom of Information Act Request Number : S-2002050034
Consumer Product Incident Report Number : C0255005 (American Power Conversion)

Dear Mr. Jacques:

Thank you for your recent letter to the U.S. Consumer Product Safety Commission (CPSC). We have assigned two tracking numbers, because your letter requests information from the CPSC and also reports an incident or complains about a product. Refer to those numbers if you need to contact us. As to the FOIA request, be assured that every effort is being made to process your request as promptly as possible and the records you requested which can be released will be made available to you at the earliest possible date.

Regarding your complaint or reported incident, our staff will review the information you provided and add it to the CPSC databases or the appropriate agency project file. This type of information allows us to focus on cases that pose the greatest degree of risk to consumers. In determining whether to take action, the Commission considers a number of factors including the likelihood of injury, the nature and degree of injury, and whether action by the Commission can correct the problem.

Our staff will contact you if we need additional information. The Commission appreciates the interest you have shown in helping us to reduce the unreasonable risk of injury from consumer products.

Sincerely,

A handwritten signature in black ink that reads "Todd A. Stevenson".

Todd A. Stevenson

Document Number: C0255005A

Issue Number: 32

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.


Signature

4/8/2002
Date

- I request that you do not release my name.
- You may release my name to the manufacturer but I request that you not release it to the general public.
- You may release my name to the manufacturer and to the public.

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

| | | | |
|-------------------------------------|--|--|----------------------------|
| 1. NAME OF RESPONDENT [REDACTED] | | 2. PHONE NO. (HOME) (WORK) [REDACTED] | |
| 3. STREET ADDRESS [REDACTED] | | 4. CITY Hunts Valley | STATE ZIP CODE MD 21030 |

4a. E-MAIL ADDRESS: not given

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Computer was plugged into a battery-power box when consumer noticed a strange odor which she thought was coming from her halogen light fixture, so
-cont-

| | | |
|-----------------------------------|--|---|
| 6. DATE OF INCIDENTS 9/19/2000 | 7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 0 Y/N none | 8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP none none |
|-----------------------------------|--|---|

MFR/PRV/CCR NOTIFIED
 COMMENTS: YES NO
 OVERRULED: ATTACHED
 EXCISIONS/FOIA Ex. 25C
 Revisions
 DO NOT RE-NOTIFY RE-NOTIFY

| | |
|---|--------------------------------|
| 9. DESCRIPTION OF PRODUCT computer battery box (voltage unknown) | 10. BRAND NAME Back UPS pro |
|---|--------------------------------|

| | |
|---|---|
| 11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE American Power Conversion 132 Fairgrounds Road West Kingston, RI 02892 800-800-4272 Dellware 5700 East Port Richmond, VA 23231 | 12. MODEL, SERIAL NUMBERS M# 420 PNP |
|---|---|

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| | | |
|---|---|--|
| 13. DEALER'S NAME, ADDRESS & PHONE unknown | 14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES NO x IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE: | 15. PRODUCT PURCHASED NEW x USED DATE PURCHASED 5/24/1996 AGE 4yrs, 4mo |
| 16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: none | | |

| | | |
|---|---|---|
| 17. HAVE YOU CONTACTED THE MANUFACTURER? YES x NO IF NOT, DO YOU PLAN TO CONTACT THEM? | 18. IS THE PRODUCT STILL AVAILABLE? YES x NO IF NOT, ITS DISPOSITION | 19. MAY WE USE YOUR NAME WITH THIS REPORT? YES x NO |
|---|---|---|

| | | |
|---------------------------------|---|-------------------------------|
| FOR ADMINISTRATION USE | | |
| 20. DATE RECEIVED 09/21/2000 | 21. RECEIVED BY (NAME & OFFICE) tsm/HL | 22. DOCUMENT NO. H0090235A |

| | |
|----------------------|-----------------------------|
| 23. FOLLOW-UP ACTION | 24. PRODUCT CODE(S) 4068 |
|----------------------|-----------------------------|

| | |
|------------------|---|
| 25. DISTRIBUTION | 26. ENDORSER'S NAME & TITLE SLT 09/25/2000 |
|------------------|---|

CONSUMER PRODUCT INCIDENT REPORT

H0090235A

Narrative Continued

she turned light fixture off, however the odor did not subside.

Consumer awoke to the same odor around 2:00am and unplugged everything in her room where the computer was located. The fumes disappeared one hour later.

(Next Day) Consumer contacted manufacturer's rep. (name unknown) and explained incident. Rep. took a report and told consumer to ventilate the area, handle product with rubber gloves, place it in a strong hefty bag, use baking soda to neutralize the sulphuric acid fumes and place bag in an area outside of the house. Rep. also offered to send consumer a manufacturer's data safety sheet and a new, replacement battery. Consumer followed rep.'s instructions and odor disappeared.

Battery's UL listing unknown.

Distributor phone #: 800-624-9897

CPSC Source: L/S GOVT

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

- 3. Street Address: 44 Iron Mill Garth 4. City: Hunt Valley
- 5. Describe Incident or Hazard: The fumes disappeared one hour later. (Next Day) Consumer determined which office machine was causing the odor by sniffing each one. The "rotten egg" smell was still slightly emanating from the product 9 hours after being unplugged.....
- 7. If Injury or Near Miss Obtain Age/Sex: Age 55 Female. Moderate sinus infection started after the first day. Felt fatigued and weak. Took several weeks with medical treatment to completely feel strong again.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Linda J. Evanswood
Signature

October 26, 2000
Date

+--+
| |
+--+
I request that you do not release my name.

+--+
 | |
+--+
You may release my name to the manufacturer but I request that you not release it to the general public.

+--+
| |
+--+
You may release my name to the manufacturer and to the public.