

U.S. INTERNATIONAL TRADE COMMISSION  
INVESTIGATION NOS. 701-TA-481; 731-TA-1190

TESTIMONY OF MARCO MANGELSDORF  
PROVISION SOLAR, INC., HILO, HAWAII  
OCTOBER 3, 2012

Good morning.

My name is Marco Mangelsdorf.

I am the owner of a solar electric contracting company in Hilo, Hawaii. My company, ProVision Solar is one of the oldest photovoltaic companies in Hawaii and employs 20 people. I have been working in the solar energy field for 34 years in the U.S. and abroad. I also have a doctorate in Political Science and have taught a course on the politics of energy at the University of Hawaii.

I am here today to tell my story, a story which is representative of the stories of a number small American solar businesses that have been innocently caught up in and harmed by the decisions taken by the Commerce Department in this trade dispute.

Here is my story: Last January, in order to offer a lower cost option to my customers, I made a purchase of Chinese-made solar modules from an acquaintance who worked at a small module manufacturing company, going by the name of Ori Solar. While I was aware of SolarWorld's complaint filed in October,

I had no knowledge of, or participated in any way, in any effort to dump solar panels in the U.S. market.

The value of that single order that I placed with Ori Solar was \$54,432. The order arrived in Honolulu in early March, before the Commerce Department's initial announcement levying countervailing duties of 3-4 percent.

In early June I was contacted by U.S. Customs in Honolulu and was told that I had 10 days to pay a bond of \$138,023.33 to cover the combined countervailing and anti-dumping duties of over 253 percent. And unless I paid that by the due date I risked falling into the black hole of liquidated damages. Although this huge fine was levied on the panels I purchased from Ori, I was not aware then, nor am I aware today, of any evidence or finding that Ori Solar was involved in dumping in the U.S. market.

While I am not here to contest the Commerce Department's finding that panels may have been dumped on the U.S. market, I am here to emphasize that the anti-dumping duties imposed, whether justified or not, have been borne by American businesses like mine, who have been innocently caught in the wide net cast by Commerce.

The news that I had to pay a duty of over \$138,000 was devastating for me and my business, but I dutifully paid the full amount due by the deadline. And while I was lucky enough to be able to pay up and keep my business going, I know that other small businesses affected by the duties imposed were not as lucky and have been driven to edge of insolvency.

Because Ori Solar either did not receive or did not complete and submit the questionnaire that Commerce sent out, they were arbitrarily placed into this extremely punitive anti-dumping duty category of 249.96 percent while the 62 respondents that happened to complete the questionnaire were assessed a much lower anti-dumping duty of around 30 percent.

What accounts for this huge disparity? It is apparent that the line drawn by the Commerce Department was not based on any particular evidence or finding as far as Ori Solar is concerned, but rather on whether a company received and completed a questionnaire sent by the Department to a certain number of Chinese solar manufacturers. These companies, who may or may not have actually received the questionnaire and who may or may not have understood the significance of it, were in effect penalized with this onerous, and what appears to be arbitrary, 250 percent duty. And I and other small American businesses have been left stuck with the bill. As an aside, I've been informed that Ori Solar, once

they found out what was happening, completed an ITC questionnaire and submitted it last month.

I would submit that under the facts and circumstances as they pertain to me and my company, it is neither fair nor justified to assess a 250 percent penalty on me for alleged conduct that I played no part in, and for which there has been no evidence or finding that Ori Solar was in any way involved in any wrongful conduct.

Yet the end result is that I have had to bear the burden of this punitive duty.

On the finding of "critical circumstances" and going back 90 days retroactive, at no time did I intend to beat any type of announcement from Commerce possibly imposing duties. Again, this was one order that I placed to take care of a certain market segment in my state.

In sum, I'm a small business owner who has been doing my best to provide a quality product to my customers and stable jobs for my employees in what has become a hyper competitive market. I have not done anything wrong or underhanded by making that single purchase from Ori in January, and I am not aware that Ori was ever involved in any wrongful conduct. And yet I have

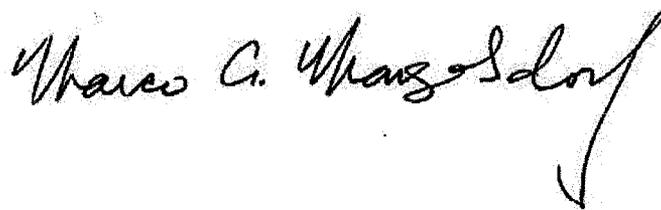
effectively become collateral damage in a much wider economic and political dispute between countries and the titans of the solar electric industry.

There is no such thing as a level playing field when it comes to energy resources. What constitutes fair versus unfair support across national boundaries is a highly charged political and economic question which is beyond this testimony.

But to harshly penalize me and my small business and employees, along with the other independent American businesses caught in this same government retroactive tariffs dragnet, cannot and should not be seen as just or fair. I respectfully ask for relief in the matter of the 250 percent anti-dumping duty and the reversal of the finding of "critical circumstances."

Thank you.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this witness statement was executed on October 1, 2012 in Washington, D.C.

A handwritten signature in black ink that reads "Marco C. Mangelsdorf". The signature is written in a cursive style with a large, sweeping flourish at the end.

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Marco Mangelsdorf  
President, ProVision Solar Inc.