

143 FERC ¶ 61,112  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Interconnect Solar Development LLC

Docket Nos. EL13-51-000  
QF11-204-001  
QF11-205-001

NOTICE OF INTENT NOT TO ACT

(May 10, 2013)

1. On March 4, 2013, as supplemented on March 13, 2013, Interconnect Solar Development LLC (Interconnect Solar) filed a petition requesting that the Commission: (1) initiate an enforcement action, pursuant to section 210(h)(2)(A) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. § 824a-3(h)(2)(A) (2006), against the Idaho Public Utilities Commission (Idaho Commission) and Idaho Power Company (Idaho Power); (2) find that their actions violated PURPA; and (3) take any actions deemed necessary to enforce the requirements of PURPA. In particular, Interconnect Solar objects to the Idaho Commission's decision to uphold Idaho Power's cancellation of its Firm Energy Sales Agreement (FESA) with Interconnect Solar based on a finding that Interconnect Solar breached the FESA by failing to pay a \$900,000 security deposit for delay-related liquidated damages.

2. Notice is hereby given that the Commission declines to initiate an enforcement action under section 210(h)(2)(A) of PURPA. Our decision not to initiate an enforcement action means that the Petitioner may bring an enforcement action against the Idaho Commission in the appropriate court.<sup>1</sup>

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>1</sup> 16 U.S.C. § 824a-3(h)(2)(B) (2006).