

167 FERC ¶ 61,228
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Michael Eisenfeld, James Neidhart,
Jeffrey Neidhart, Steven Bair,
Neil Tribbett, Jerry Knutson,
Victoria Slikkerveer, Crystal Williams,
The Coliseum, Inc., David Fosdeck,
Stephen Ellison, Erin Hourihan,
and Vote Solar

Docket No. EL19-67-000

Ellison, Stephen

Docket No. QF19-1082-001

Fosdeck, David

Docket No. QF19-1083-001

Hourihan, Erin
Eisenfeld, Michael

Docket No. QF19-1084-001

NOTICE OF INTENT NOT TO ACT

(June 18, 2019)

1. On April 19, 2019, Michael Eisenfeld, James Neidhart, Jeffrey Neidhart, Steven Bair, Neil Tribbett, Jerry Knutson, Victoria Slikkerveer, Crystal Williams, The Coliseum, Inc., David Fosdeck, Stephen Ellison, Erin Hourihan, and Vote Solar (together, Petitioners) filed a petition for enforcement against the City of Farmington, New Mexico, d/b/a Farmington Electric Utility System (Farmington) pursuant to section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA).¹ Petitioners claim that Farmington's adoption of certain mandatory standby service riders constitutes a failure to properly implement PURPA because the riders represent rates for sales that discriminate against qualifying facilities (QFs).

¹ 16 U.S.C. § 824a-3(h)(2)(B) (2012).

2. Notice is hereby given that the Commission declines to initiate an enforcement action pursuant to section 210(h)(2)(A) of PURPA.² Our decision not to initiate an enforcement action means that Petitioners may themselves bring an enforcement action against Farmington in the appropriate court.³

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

² 16 U.S.C. § 824a-3(h)(2)(A).

³ 16 U.S.C. § 824a-3(h)(2)(B).