

171 FERC ¶ 61,193  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick, Bernard L. McNamee,  
and James P. Danly.

Gregory R. Swecker and Beverly F. Swecker

Docket Nos. EL14-18-004  
EL14-9-004  
EL18-48-004

v.

Midland Power Cooperative  
Central Iowa Power Cooperative

Swecker, Gregory and Beverly

QF11-424-009

ORDER DENYING RECONSIDERATION

(Issued June 2, 2020)

1. On April 22, 2020, Gregory and Beverly Swecker (Sweckers) filed a request for rehearing of the Commission's March 30, 2020 order dismissing the Sweckers' request to establish the avoided cost rate for energy and capacity delivered by their facility, a qualifying facility (QF) under the Public Utility Regulatory Policies Act of 1978 (PURPA),<sup>1</sup> to Midland Power Cooperative (Midland Power).<sup>2</sup>

2. The Sweckers' arguments regarding the merits of their dispute with Midland Power and Central Iowa Power are restatements of the same arguments that the Sweckers have made in numerous previous proceedings, namely that they have not been paid what they believe is an appropriately-determined avoided cost rate for their QF's energy and

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<sup>1</sup> 16 U.S.C. § 824a-3 (2018).

<sup>2</sup> *Swecker v. Midland Power Coop.*, 170 FERC ¶ 61,289 (2020) (March 30 Order). Because this proceeding arises under PURPA section 210(h), formal rehearing of the March 30 Order does not lie; therefore, we will treat the request for rehearing as a request for reconsideration. *See So. Cal. Edison Co.*, 71 FERC ¶ 61,090, at 61,305 (1995); *accord NY State Elec. & Gas Corp.*, 72 FERC ¶ 61,067, at 61,340 (1995).

capacity. Such claims have been fully addressed in prior judicial and Commission orders.<sup>3</sup> Accordingly, we deny the Sweckers' request for reconsideration.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>3</sup> *E.g.*, *Swecker v. Midland Power Coop.*, 137 FERC ¶ 61,200, at PP 2-10 (2011), *order denying reh'g and renewing notice of intent not to act*, 142 FERC ¶ 61,207, at PP 3-13 (2013), *appeal dismissed sub nom. Midland Power Coop. v. FERC*, 774 F.3d 1 (D.C. Cir. 2014); *Swecker v. Midland Power Coop.*, 147 FERC ¶ 61,114, *order denying reconsideration*, 149 FERC ¶ 61,236 (2014); *Swecker v. Midland Power Coop.*, 807 F.3d 883 (8th Cir. 2015); *Swecker v. Midland Power Coop.*, 162 FERC ¶ 61,146 (2018), *reh'g denied*, 166 FERC ¶ 61,205 (2019), March 30 Order, 170 FERC ¶ 61,289.