

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

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

Gadwall Wind LLC

Docket No. EL13-54-000
QF11-141-002

v.

Minnesota Public Utilities Commission

NOTICE OF INTENT NOT TO ACT

(Issued December 19, 2013)

1. On March 18, 2013, Gadwall Wind LLC (Gadwall Wind) filed a petition for enforcement against the Minnesota Public Utilities Commission (Minnesota Commission), pursuant to section 210(h)(2)(A) of the Public Utility Regulatory Policies Act of 1978 (PURPA).¹ Gadwall Wind requests that the Commission initiate an enforcement action and invalidate the Minnesota Commission's rules regarding avoided cost, to the extent that they execute Minn. Stat. § 216B.164, subd. 4 requiring utilities to pay renewable energy qualifying facilities the costs of the utility's least cost renewable energy facility, or the bid of a competing supplier of a least cost renewable energy facility, whichever is lower.
2. Notice is hereby given that the Commission declines to initiate an enforcement action pursuant to section 210(h)(2)(A) of PURPA. Our decision not to initiate an

¹ 16 U.S.C. § 824a-3(h)(2)(A) (2012).

enforcement action means that the Petitioner may itself bring an enforcement action against the Minnesota Commission in the appropriate court.²

By the direction of the Commission.

Kimberly D. Bose,
Secretary.

² *Id.* § 824a-3(h)(2)(B) (2012).