

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Maxim Power Corporation, Maxim Power )  
(USA), Inc., Maxim Power (USA) Holding )  
Company Inc., Pawtucket Power Holding ) Docket No. IN15-4-000  
Co., LLC, Pittsfield Generating Company, )  
LP, and Kyle Mitton )

NOTICE OF ELECTION

Pursuant to paragraph E of the Commission's Show Cause Order<sup>1</sup> in the above-captioned proceeding and section 31(d)(1) of the Federal Power Act ("FPA"),<sup>2</sup> respondents hereby elect the procedures described in FPA section 31(d)(3).<sup>3</sup> Thus, if the Commission assesses any civil penalty in connection with this proceeding, respondents invoke their statutory right to a review of that penalty in federal district court, where "[t]he court shall have authority to review *de novo* the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying . . . or setting aside in whole or in Part, such assessment."<sup>4</sup>

Respectfully submitted,

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<sup>1</sup> *Maxim Power Corporation, Maxim Power (USA), Inc., Maxim Power (USA) Holding Company Inc., Pawtucket Power Holding Co., LLC, Pittsfield Generating Company, LP, and Kyle Mitton*, 150 FERC ¶ 61,068 (2015).

<sup>2</sup> 16 U.S.C. § 823b(d)(1).

<sup>3</sup> *Id.* § 823b(d)(3).

<sup>4</sup> *Id.* § 823b(d)(3)(B).

Document Content(s)

Election.PDF.....1-1