

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

November 14, 2005

In Reply Refer To:
Investigation of Certain Enron-Affiliated QFs;
OLS Energy-Camarillo and OLS Energy –
Chino
Docket Nos. EL03-47-004, QF84-447-005
and QF84-443-005

LeBoeuf, Lamb, Greene & MacRae
Attention: Jon R. Mostel, Esq.
125 West 55th Street
New York, NY 10019-5389

Dear Mr. Mostel:

1. On May 2, 2003, the Commission ordered Enron Corporation (Enron) to identify all qualifying facilities (QFs) in which Enron, or any Enron affiliate, or their employees, holds any interest and/or control over, or had held any ownership interest and/or control over at any time from the date of Enron's merger with Portland General Corporation.¹
2. In response, on June 3, 2003, as supplemented on July 8, 2003, Enron North America Corp. identified seventeen QFs. Since that date, the Commission has issued final orders resolving the QF status of those seventeen QFs.
3. On February 1, 2005, Enron North America Corp., Joint Energy Development Investments II Limited Partnership, and Enron Wind LLC (collectively, Enron North America) filed a supplement to disclose ownership interests in two additional QFs -- OLS Energy-Camarillo and OLS Energy-Chino (Camarillo and Chino). In the filing, Enron North America stated that Southern California Edison Company (SoCal Edison), the utility-purchaser of the electric output of the Camarillo and Chino facilities during the relevant time period did not intend to take any action with respect to Camrillo or Chino.

¹ *Investigation of Certain Enron-Affiliated QFs*, 103 ¶ FERC 61,122 (2003) (May 2 Order).

4. The filing was noticed in the *Federal Register*, 70 Fed. Reg. 9943 (2005), with protests or interventions due on or before March 15, 2005.

5. Brazos Electric Power Cooperative (Brazos) filed untimely comments. Brazos stated that it was the utility-purchaser of the electric output of another Enron-affiliated QF, the Cleburne facility, and that it was contesting the QF status of the Cleburne facility. Brazos suggested that Enron North America's February 1, 2005 filing may present common issues of law and fact with ongoing proceeding concerning the Cleburne facility. Brazos, however, did not explicitly challenge the QF status of the Camarillo and Chino facilities.

6. On June 2, 2005, the Commission's Office of Markets, Tariffs and Rates wrote SoCal Edison and asked whether the statements made by Enron North America accurately reflect SoCal Edison's position regarding the Camarillo and Chino facilities. On June 9, 2005, SoCal Edison responded that Enron North America's filing had indeed accurately represented that SoCal Edison did not intend to challenge Camarillo and Chino's QF status based on Enron North America's ownership interests in those facilities.

7. Neither Commission Trial Staff or any party has argued that the Camarillo and Chino facilities did not satisfy the ownership requirements for QF status during the relevant time period. Moreover, SoCal Edison, the utility-purchaser of the electric output of the Camarillo and Chino facilities during the relevant period, has stated that it does not contest the facilities' QF status for the relevant time period. We will accordingly accept the February 1, 2005 compliance filing without taking further action.

By direction of the Commission.

Magalie R. Salas,
Secretary.