

133 FERC ¶ 61,041
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
John R. Norris, and Cheryl A. LaFleur.

FC Landfill Energy, LLC

Docket No. ER10-2268-000

ORDER GRANTING MARKET-BASED RATE AUTHORIZATION AND DENYING
WAIVER OF PRIOR NOTICE REQUIREMENT

(Issued October 15, 2010)

1. In this order, the Commission grants market-based rate authorization to FC Landfill Energy, LLC (FC Landfill), effective October 16, 2010.¹ FC Landfill must revise its tariff sheets to include this effective date.
2. Additionally, we find that FC Landfill meets the criteria for a Category 1 seller and is so designated.²

Background

3. On August 17, 2010, pursuant to section 205 of the Federal Power Act (FPA),³ FC Landfill filed an initial application for market-based rate authority with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy, capacity, and ancillary services at market-based rates. FC Landfill requests waivers

¹ FERC Electric Tariff, Original Vol. 1, Original Sheet Nos. 1 and 2.

² *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 848-850, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268 (2008), *clarified*, 124 FERC ¶ 61,055 (2008), *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010).

³ 16 U.S.C. § 824d (2006).

commonly granted to similar market-based rate applicants and waiver of the prior notice requirement to make such authorization effective as of August 18, 2010.

4. FC Landfill states that it owns and operates an approximately 2.0 MW methane-to-electric power generation system (the Facility) located in Frederick County, Maryland in the PJM Interconnection, L.L.C. (PJM) market. FC Landfill represents that it began generating and selling energy from the Facility on June 1, 2010. FC Landfill states that it anticipates continuing to sell the electrical output of the Facility into the PJM market.

5. FC Landfill is wholly owned by Energenic, LLC. Energenic, LLC is jointly owned by Marina Energy, LLC (Marina Energy) and DCO Energy, LLC (DCO Energy). Marina Energy is wholly owned by South Jersey Energy Solutions, LLC (SJ Energy), which in turn is owned by South Jersey Industries, Inc. (SJ Industries). SJ Energy is a holding company for all of SJ Industries' non-regulated utility businesses. SJ Industries is a diversified publicly-traded holding company whose investments include natural gas distribution and marketing.⁴

6. FC Landfill states that Marina Energy owns or controls Marina Thermal Energy, an 8 MW generating facility which primarily serves the electrical and thermal needs of the Atlantic City, New Jersey casino at which the facility is located, and Mannington Mills Cogeneration Facility, an 8.4 MW cogeneration facility, both of which are located in the PJM market.

7. DCO Energy is a privately-held energy development company specializing in the development, engineering, construction, start up, commissioning, operation, maintenance, management, and ownership of central energy centers, renewable energy projects, and combined heat, chilling and power production facilities. FC Landfill states that DCO Energy currently operates (directly or through its wholly-owned subsidiary DCO Essex Energy, LLC) a 1.3 MW combined heat and power cogeneration facility at the Bergen County Correctional Facility; and a 6.0 MW combined heat and power

⁴ SJ Industries owns the following subsidiaries, none of which owns or controls any generation or transmission facilities: South Jersey Energy Company, which acquires and markets natural gas and electricity to retail end users and provides energy management services to commercial and industrial customers; South Jersey Gas Company, which is a regulated natural gas utility that distributes natural gas at retail in southern New Jersey; and SJI Services, LLC, which is a non-regulated service company providing services to SJ Industries and its other subsidiaries.

cogeneration facility at the Essex County Correctional Facility,⁵ both located in the PJM footprint.

8. In addition, FC Landfill states that it is affiliated through common upstream ownership with the following entities that own or control other methane-to-electricity generating facilities at municipal landfill operations located within the PJM footprint: AC Landfill Energy, LLC (AC Landfill), which has a maximum plant capacity of 5.4 MW; BC Landfill Energy, LLC (BC Landfill), which has a maximum plant capacity of 7.1 MW; WC Landfill Energy, LLC (WC Landfill), which has a maximum plant capacity of 3.8 MW; and SC Landfill Energy, LLC (SC Landfill), which has a maximum plant capacity of 1.9 MW.⁶

9. FC Landfill states it is affiliated with 34.6 MW of generation, for a total of 36.6 MW of generation in the PJM footprint. Additionally, FC Landfill states that neither FC Landfill nor any of its affiliates owns or controls any electric transmission facilities (other than facilities that may be necessary to interconnect generating facilities to the transmission grid) or has a franchised service territory for the sale of electricity to captive customers.

10. FC Landfill seeks the same pre-approvals and waivers previously granted to other sellers permitted to sell at market-based rates. FC Landfill requests waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16, and waiver of Parts 41, 101, and 141 of the Commission's regulations. FC Landfill also requests blanket authorization under Part 34 for all future issuances of securities and assumption of liability; and waiver of all regulations that the Commission previously has waived at the request of other entities authorized to sell energy at market-based rates.

11. FC Landfill also requests waiver of the Commission's prior notice requirement. FC Landfill states that it began to generate energy at the Facility on June 1, 2010. FC Landfill explains that the Facility had a projected in-service date of September 1, 2010. However, the Facility came online earlier than expected, and thus regulatory approval for those sales was not timely obtained.

⁵ DCO Energy also owns Goldstar Energy Group, Inc., which provides consulting services for energy projections and does not own or control any electric generation or transmission facilities.

⁶ Each of these entities is jointly owned by Marina Energy and DCO Energy and each entity has been authorized to engage in wholesale sales of electric power at market-based rates.

12. FC Landfill recognizes that unauthorized sales are subject to refund for revenues collected above the just and reasonable rate. However, FC Landfill explains that all of its sales were at the PJM market-clearing price established by the PJM independent market administrator, without influence from FC Landfill. FC Landfill contends that its sales should be deemed to be just and reasonable because they were set for the market by PJM. Thus, FC Landfill submits no refunds are due for its prior sales.

13. FC Landfill also acknowledges that it must refund to its customers the time-value of revenues collected prior to having an authorized rate on file with the Commission. FC Landfill commits to refunding to PJM (its only customer) the time value of the revenues it has collected prior to the effective date of its tariff, beginning June 1, 2010, calculated in accordance with section 35.19a(a) of the Commission's Regulations.

Notice of Filing and Responsive Pleadings

14. Notice of FC Landfill's request for market-based rate authority was published in the *Federal Register*, 75 Fed. Reg. 52,522 (2010), with interventions or protests due on or before September 7, 2010. None was filed.

15. Notice of FC Landfill's request for blanket authorization under Part 34 was separately published in the *Federal Register*, 75 Fed. Reg. 52,528 (2010), with interventions or protests due on or before September 8, 2010. None was filed.

Discussion

A. Market-Based Rate Authorization

16. The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.⁷ As discussed below, we find that FC Landfill satisfies the Commission's standards for market-based rate authority.

1. Horizontal Market Power

17. The Commission adopted two indicative screens for assessing horizontal market power, the pivotal supplier screen and the wholesale market share screen.

⁷ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 62, 399, 408, 440.

18. FC Landfill prepared the pivotal supplier and wholesale market share screens for the PJM market and PJM East submarket.⁸ FC Landfill states that 36.6 MW of electric generation is attributable to it for purposes of the market power screens. FC Landfill represents that it is not pivotal and states that its market share in all seasons in the PJM market and PJM East submarket is significantly less than one percent.

19. The Commission has reviewed FC Landfill's pivotal supplier screen and wholesale market share screens. We find that FC Landfill passes both screens in the PJM market and PJM East submarket. Accordingly, we find that FC Landfill satisfies the Commission's requirements for market-based rates regarding horizontal market power.

2. Vertical Market Power

20. In cases where a public utility, or any of its affiliates, owns, operates, or controls transmission facilities, the Commission requires that there be a Commission-approved Open Access Transmission Tariff on file before granting a seller market-based rate authorization.⁹

21. FC Landfill states that neither it nor its affiliates own or control any transmission facilities in North America and therefore do not have transmission market power.

22. The Commission also considers a seller's ability to erect other barriers to entry as part of the vertical market power analysis.¹⁰ The Commission requires a seller to provide a description of its ownership or control of, or affiliation with an entity that owns or controls, intrastate natural gas transportation, storage or distribution facilities; sites for generation capacity development; and sources of coal supplies and equipment for the transportation of coal supplies, such as barges and rail cars (collectively, inputs to electric power production).¹¹

⁸ FC Landfill relies on the market power analysis accepted in *Covanta Plymouth Renewable Energy Ltd. Partnership*, Docket No. ER10-395-000 (Mar. 11, 2010) (unpublished letter order) as its source for the PJM and PJM East market data.

⁹ Order No. 697, FERC Stats. & Regs. ¶ 31,242 at P 408.

¹⁰ *Id.* P 440.

¹¹ *Id.* P 176.

23. With regard to barriers to entry, FC Landfill states that other than as described, neither it nor any of its affiliates own or control intrastate natural gas transportation, intrastate natural gas storage or distribution facilities; own or control any unique sites for new generation capacity development; own or control any physical coal supply sources; or have ownership or control over who may access transportation of coal supplies. FC Landfill states that it is affiliated with South Jersey Gas Company, a local natural gas distribution company that supplies natural gas to retail customers. In connection with its gas utility business, South Jersey Gas Company owns and operates a gas distribution system.

24. The Commission adopted a rebuttable presumption that the ownership or control of, or affiliation with any entity that owns or controls, inputs to electric power production does not allow a seller to raise entry barriers but will allow intervenors to demonstrate otherwise.¹²

25. The Commission also requires sellers to make an affirmative statement that they have not erected barriers to entry into the relevant market and will not erect barriers to entry into the relevant market.¹³ FC Landfill affirmatively states that it has not erected any barriers to entry into the relevant market and will not erect barriers to entry into the relevant market.

26. Based on FC Landfill's representations, we find that FC Landfill satisfies the Commission's requirements for market-based rates regarding vertical market power.

B. Waiver Requests

27. FC Landfill requests the following waivers and authorizations: (1) waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except as to sections 35.12(a), 35.13(b), 35.15, and 35.16; (2) waiver of Parts 41, 101, and 141 of the Commission's accounting and periodic reporting requirements; and (3) blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability.

¹² Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 446.

¹³ *Id.* P 447.

28. The Commission will grant the requested waivers and authorizations consistent with those granted to other entities with market-based rate authorizations.¹⁴ Notwithstanding the waiver of the accounting and reporting requirements, the Commission expects FC Landfill to keep its accounting records in accordance with generally accepted accounting principles.

C. Waiver of the Prior Notice Requirement

29. FC Landfill requests waiver of the Commission's 60-day prior notice requirement and requests an effective date of August 18, 2010. FC Landfill states that although the Facility had a projected in-service date of September 1, 2010, the Facility began to generate and sell energy on June 1, 2010, before regulatory approval for those sales was obtained. FC Landfill further states that as soon as regulatory counsel learned of the Facility sales, an initial application for market-based rate authority was prepared. FC Landfill commits that FC Landfill and its affiliates are adopting internal procedures to ensure that future projects timely obtain Commission authorization for their sales.

30. Section 205 of the FPA explicitly requires that rates be timely filed with the Commission.¹⁵ In this regard, the Commission has explained that it cannot "ignore its statutory duty to determine whether rates are just and reasonable by permitting utilities to submit filings whenever convenient," and that it "must have the opportunity to examine proposed rates, terms, and conditions of jurisdictional service before that service commences."¹⁶ Thus, a regulated entity must timely file its rates to allow the Commission to fulfill its statutory mandate, namely, timely determining whether the rates being charged are just and reasonable. The Commission has further made clear that, for market-based rates in particular, it "does not allow market-based rates to go into effect

¹⁴ It should be noted that the Commission has examined and approved the continued applicability of the waivers of its accounting and reporting requirements (18 C.F.R. Parts 41, 101, and 141), as well as the continued applicability of the blanket authorization for the issuance of securities and the assumption of liabilities (18 C.F.R. Part 34). See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 984-985 (regarding waiver of Parts 41, 101, and 141), and P 999-1000 (regarding blanket approval under Part 34).

¹⁵ See *El Paso Elec. Co.*, 105 FERC ¶ 61,131, at P 9-11 (2003) (*El Paso*).

¹⁶ *Id.* P 14.

before a filing has been tendered with the Commission.”¹⁷ In *Central Maine Power Co.*,¹⁸ *Central Hudson Gas and Electric Co.*,¹⁹ and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*,²⁰ the Commission explained that it would grant waiver of the 60-day prior notice requirement for proposals to charge market-based rates only in extreme or extraordinary circumstances.

31. Based on the information presented by FC Landfill, FC Landfill has failed to demonstrate extraordinary circumstances warranting waiver of the 60-day prior notice requirement. Accordingly, we deny FC Landfill’s request for waiver of the 60-day prior notice requirement and an effective date of August 18, 2010. We grant FC Landfill’s request for market-based rate authority to be effective October 16, 2010, 61 days after filing.

32. Because the request for waiver of notice requirements has been denied, FC Landfill is directed to electronically refile its tariff within 30 days of the date of this order in accordance with Order No. 714.²¹

33. With respect to the lateness of the filing by FC Landfill and the fact that its affiliates have previously been notified on numerous occasions about the importance of making timely filings, we have referred this matter to the Commission’s Office of Enforcement for further examination and inquiry as may be appropriate.²²

¹⁷ *El Segundo Power, LLC*, 84 FERC ¶ 61,011, at 61,060, *order on reh’g*, 85 FERC ¶ 61,123 (1998), *order on reh’g*, 87 FERC ¶ 61,208 (1999), *order on reh’g*, 90 FERC ¶ 61,036 (2000).

¹⁸ 56 FERC ¶ 61,200, *order on reh’g*, 57 FERC ¶ 61,083 (1991).

¹⁹ 60 FERC ¶ 61,106, *reh’g denied*, 61 FERC ¶ 61,089 (1992).

²⁰ 64 FERC ¶ 61,139, at 61,984, *clarified*, 65 FERC ¶ 61,081 (1993) (*Prior Notice*); 18 C.F.R. § 35.19a (2010).

²¹ *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

²² The Commission has informed affiliates of Marina Energy and DCO Energy in previous orders that it expects applicants to make filings on a timely basis, or face possible sanctions by the Commission. *See SC Landfill Energy, LLC*, Docket No. ER09-343-000 (Jan. 26, 2009) (unpublished letter order); *South Jersey Energy Co.*, Docket No. ER97-1397-014 (Feb. 9, 2009) (unpublished letter order); *AC Landfill Energy, LLC*, 127 FERC ¶ 61,112, at P 41 (2009); *BC Landfill Energy, LLC*, 127 FERC ¶ 61,113, at

(continued...)

D. Refunds

34. The Commission has noted that if a utility files a market-based rate tariff less than 60 days prior to the proposed effective date of new service, and waiver is denied, the Commission will require the utility to refund to its customers the time value of the revenues collected, calculated pursuant to section 35.19a of the Commission's regulations,²³ for the entire period that the rate was collected without Commission authorization.²⁴ In addition to returning the time value of revenues collected for the period the rate was charged without Commission authorization, when dealing with market-based rates that are not timely filed, the Commission has stated that:

[T]he utility will be required to refund all revenues resulting from the difference, if any, between the market-based rate and a cost-justified rate. . . . In other words, the late-filing utility will receive the equivalent of a cost-based rate, less the time value remedy applicable to the unauthorized late filing of cost-based rates, until the date of Commission authorization.²⁵

35. FC Landfill states that it recognizes that unauthorized sales are subject to refund for revenues collected above the just and reasonable rate. However, FC Landfill explains that all of its sales were at the PJM market-clearing price established by the PJM independent market administrator, without influence from FC Landfill. FC Landfill contends that its sales should be deemed to be just and reasonable because they were set for the market by PJM, and thus, no refunds are due for its prior sales.

36. The Commission has previously ordered refunds for sales made into the PJM market without prior Commission authorization.²⁶ Whether an individual customer

P 41 (2009); *WC Landfill Energy, LLC*, 127 FERC ¶ 61,114, at P 41 (2009).

²³ 18 C.F.R. § 35.19a (2010).

²⁴ *Prior Notice*, 64 FERC at 61,980.

²⁵ *Id.*; see 16 U.S.C. § 825h (2006). See *Southern California Water Co.*, 106 FERC ¶ 61,305, at P 15-16, *reh'g denied*, 108 FERC ¶ 61,168 (2004). See also *Public Service Co. of Colorado*, 85 FERC ¶ 61,146, at 61,588 (1998); *Carolina Power & Light Co.*, 87 FERC ¶ 61,083, at 61,356 (1999).

²⁶ See, e.g., *SC Landfill Energy, LLC*, Docket No. ER09-343-000 (Jan. 26, 2009) (unpublished letter order); *Wisconsin Public Service Corp.*, 110 FERC ¶ 61,353, at P 36-42 (2005). See also *Upper Peninsula Power Co.*, 117 FERC ¶ 61,075 (2006).

actually suffered any harm is irrelevant to our inquiry here. The injury being remedied by refunds for late filing is not merely redress for that customer but particularly “the Commission’s ability to enforce FPA section 205’s requirement that there be prior notice.”²⁷ Therefore, we conclude that FC Landfill must refund all revenues resulting from the difference, if any, between the market-based rate and a cost-justified rate, plus the time value of revenues collected for the period the rate was charged without Commission authorization. Additionally, FC Landfill must submit a refund report detailing the basis for and calculations of the refunds paid.

E. Reporting Requirements

37. Consistent with the procedures the Commission adopted in Order No. 2001, an entity with market-based rates must file electronically with the Commission an Electric Quarterly Report (EQR) containing: (1) a summary of the contractual terms and conditions in every effective service agreement for market-based power sales; and (2) transaction information for effective short-term (less than one year) and long-term (one year or longer) market-based power sales during the most recent calendar quarter.²⁸ Public utilities must file EQRs no later than 30 days after the end of the reporting quarter.²⁹

²⁷ *El Paso*, 105 FERC ¶ 61,131 at P 21 (footnote omitted) (citing *Carolina Power*, 87 FERC at 61,356).

²⁸ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh’g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh’g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit EQRs to the Commission using the EQR Submission System Software, which may be downloaded from the Commission’s website at <http://www.ferc.gov/docs-filing/eqr.asp>.

²⁹ The exact filing dates for these reports are prescribed in 18 C.F.R. § 35.10b (2010). Failure to file an EQR (without an appropriate request for extension), or failure to report an agreement in an EQR, may result in forfeiture of market-based rate authority, requiring filing of a new application for market-based rate authority if the applicant wishes to resume making sales at market-based rates.

38. Additionally, FC Landfill must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.³⁰

39. In Order No. 697, the Commission created two categories of sellers.³¹ Category 1 sellers are not required to file regularly scheduled updated market power analyses. Category 1 sellers are wholesale power marketers and wholesale power producers that own or control 500 MW or less of generation in aggregate per region; that do not own, operate or control transmission facilities other than limited equipment necessary to connect individual generation facilities to the transmission grid (or have been granted waiver of the requirements of Order No. 888³²); that are not affiliated with anyone that owns, operates or controls transmission facilities in the same region as the seller's generation assets; that are not affiliated with a franchised public utility in the same region as the seller's generation assets; and that do not raise other vertical market power issues.³³ Sellers that do not fall into Category 1 are designated as Category 2 and are required to file an updated market power analysis.³⁴

40. Based on FC Landfill's representations, we find that FC Landfill meets the criteria for a Category 1 seller and is so designated. The Commission reserves the right to

³⁰ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18 C.F.R. § 35.42(a) (2010).

³¹ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 848.

³² *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

³³ 18 C.F.R. § 35.36(a)(2) (2010).

³⁴ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 850.

require an updated market power analysis from any market-based rate seller at any time, including those sellers that fall within Category 1.³⁵

The Commission orders:

(A) FC Landfill's market-based rate tariff is hereby accepted for filing, effective October 16, 2010.

(B) Waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, with the exception of sections 35.12(a), 35.13(b), 35.15 and 35.16, is hereby granted.

(C) Waiver of Parts 41, 101, and 141 of the Commission's regulations is hereby granted, with the exceptions of sections 141.14 and 141.15.

(D) Blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability is granted. FC Landfill is hereby authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of FC Landfill, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(E) The Commission reserves the right to modify this order to require a further showing that neither the public nor private interests will be adversely affected by continued Commission approval of FC Landfill's issuances of securities or assumptions of liabilities.

(F) FC Landfill's request for waiver of the prior notice requirement is denied, as discussed in the body of this order. FC Landfill is directed to refile its tariff within 30 days of the date of this order.

(G) FC Landfill is hereby ordered to make refunds, with interest, within 30 days of the date of this order, as discussed in the body of this order. Such refunds shall include the period that market-based rates were collected without Commission authorization, i.e., from June 1, 2010 until October 16, 2010. FC Landfill is hereby directed to submit a refund report within 15 days thereafter, regarding the basis for and calculations of the refunds paid.

³⁵ *Id.* P 853.

(H) FC Landfill is required to file EQRs in compliance with Order No. 2001. If the effective date of FC Landfill's market-based rate tariff falls within a quarter of the year that has already expired, FC Landfill's EQRs for the expired quarter are due within 30 days of the date of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.