

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Illumina Energy Solutions, Inc.
NDR Energy Group, LLC

Docket Nos. ER03-876-000
ER03-866-000

EL06-107-000

ORDER REVOKING MARKET-BASED RATE AUTHORITY AND TERMINATING
SECTION 206 PROCEEDING

(Issued March 1, 2007)

1. In this order, the Commission revokes the market-based rate authority of Illumina Energy Solutions, Inc. (Illumina) and NDR Energy Group, LLC (NDR) because each failed to comply with the Commission's October 6, 2006 Order¹ and the conditions under which the Commission granted each market-based rate authority. The market-based rate tariffs of Illumina and NDR are terminated effective on the date of issuance of this order.
2. In the October 6 Order, the Commission directed Illumina and NDR to file an updated market power analysis within 60 days from the issuance of that order or to provide satisfactory support for why they should not be required to do so. The Commission also established a refund effective date under section 206 of the Federal Power Act for the protection of customers.²
3. Illumina and NDR made no filing in response to the Commission's October 6 Order and the time period for compliance has elapsed. In the October 6 Order, we stated that we would revoke each companies' market-based rate authority and terminate its market-based rate tariff if it failed to file the required updated market power analysis. Accordingly, we hereby revoke the market-based rate authority of Illumina and NDR and terminate each companies' market-based rate tariff, effective on the date of issuance of this order.
4. Furthermore, any waivers and authorizations previously granted in connection with the market-based rate authority of Illumina and NDR are no longer applicable, effective 60 days from the date of issuance of this order.

¹ *ACN Utility Services, Inc.*, 117 FERC ¶ 61,027 (2006) (October 6 Order).

² 16 U.S.C. § 824e (2000).

5. We have found no indication of any sales made under these companies' market-based rate tariffs for the period since the refund effective date, and no evidence has been presented otherwise. Therefore, the Commission will terminate the section 206 proceeding instituted in Docket No. EL06-107-000 with regard to Illumina and NDR.

The Commission orders:

(A) The market-based rate authority of Illumina and NDR is hereby revoked. The market-based rate tariffs of Illumina and NDR are terminated effective on the date of issuance of this order and any waivers and authorizations previously granted in connection with the market-based rate authority of Illumina and NDR are no longer applicable, effective 60 days from the date of issuance of this order.

(B) The section 206 proceeding instituted in Docket No. EL06-107-000 is hereby terminated.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.