

121 FERC ¶ 61,102
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.

WCW International, Inc.

Docket Nos. ER04-214-000
EL07-51-000

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

(Issued October 30, 2007)

1. In this order, the Commission revokes WCW International, Inc.'s (WCW) market-based rate authority because it failed to comply with the Commission's April 25, 2007 order¹ and the conditions under which the Commission granted it market-based rate authority. WCW's market-based rate tariff is terminated effective on the date of issuance of this order.
2. As a condition of receiving market-based rate authority, the Commission required WCW to submit an updated market power analysis every three years² to allow the Commission to evaluate the reasonableness of their charges and to provide for ongoing monitoring of their ability to exercise market power. In the April 25 Order, the Commission directed WCW to file its updated market power analysis within 60 days from the issuance of that order or to provide satisfactory support for why it should not be required to do so. The Commission also established a refund effective date under section 206 of the Federal Power Act (FPA) for the protection of customers.³
3. WCW made no filing in response to the Commission's April 25 Order and the time period for compliance has elapsed. In the April 25 Order, we stated that we would revoke WCW's market-based rate authority and terminate its market-based rate tariff if it

¹ *Texxon Utilities, Ltd. Co.*, 119 FERC ¶ 61,085 (2007) (April 25 Order).

² *See, e.g., W. Res., Inc.*, 94 FERC ¶ 61,050, at 61,247 (2001); *Entergy Serv., Inc.*, 58 FERC ¶ 61,234, at 61,760 (1992); *PSI Energy, Inc.*, 51 FERC ¶ 61,367, at 62,209 (1990).

³ 16 U.S.C. § 824e (2000).

failed to file the required updated market power analysis. Accordingly, we hereby revoke WCW's market-based rate authority and terminate its market-based rate tariff, effective on the date of issuance of this order.

4. Furthermore, any waivers and authorizations previously granted in connection with WCW's market-based rate authority are no longer applicable, effective 60 days from the date of issuance of this order.

5. We have found no indication of any sales made under WCW's market-based rate tariff 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. EL07-51-000 with regard to WCW.

The Commission orders:

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

(B) The section 206 proceeding instituted in Docket No. EL07-51-000 is hereby terminated.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Acting Deputy Secretary.