

136 FERC ¶ 61,068
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.

Northern Laramie Range Alliance

Docket No. EL11-51-000

ORDER DENYING WAIVER OF FILING FEE

(Issued July 29, 2011)

1. On July 11, 2011, the Northern Laramie Range Alliance filed a petition for declaratory order, requesting the Commission to declare that two self-certified qualifying facilities (QF) do not meet the requirements for QF status under the Public Utility Regulatory Policies Act of 1978 (PURPA)¹ and the Commission's regulations implementing PURPA.² Accompanying the petition for declaratory order, Northern Laramie Range Alliance submitted a petition for waiver of the filing fee for issuance of a declaratory order. As discussed below, we will deny waiver of the filing fee.

2. Northern Laramie Range Alliance states that it has no financial resources from which to pay the required \$23,540.00 fee. Northern Laramie Range Alliance submits a financial statement showing that it has a net worth of \$821.96, that it collected \$1,838.20 in voluntary contributions and spent \$1,825.21 in expenses, most of which were attributable to "publication/ mailing." Northern Laramie Range Alliance also emphasizes that "[w]hile it has more than 900 members, it requires no dues and has no sources of income except through voluntary contributions."

3. Section 381.302(a) of our regulations requires a filing fee of \$23,540.00 for petitions for declaratory order.³ Section 381.106(a) of our regulations, however, provides that "[i]f an applicant is suffering from severe economic hardship at the time of filing an

¹ 16 U.S.C. § 796, 824a-3 (2006).

² 18 C.F.R. Part 292, Subpart B (2011).

³ 18 C.F.R. § 381.302(a) (2011).

application which makes the applicant economically unable to pay the appropriate fee . . . , the applicant may submit . . . a petition for waiver with the application in lieu of the applicable fee. The petition for waiver must include evidence . . . clearly showing either that the applicant does not have the money to pay all or part of the fee, or that if the applicant does pay the fee, the applicant will be placed in financial distress or emergency.”⁴

4. Based on our review of Northern Laramie Range Alliance’s petition for waiver, we are unable to conclude that it has made a clear showing that it is unable to pay the fee, or that, if it pays the fee, it will be placed in financial distress or emergency. We are required by section 3401 of the Omnibus Budget Reconciliation Act of 1986 to “assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred . . . in that fiscal year.”⁵ Those fees and annual charges are to “be computed on the basis of methods that the Commission determines . . . to be fair and equitable,”⁶ and the Commission has determined that assessing a filing fee for a petition for declaratory order is appropriate.⁷ That Northern Laramie Range Alliance has opted not to collect dues from its 900-plus members is not a basis to grant waiver of our filing fee. We will accordingly deny the petition for waiver.⁸

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴ 18 C.F.R. § 381.106(a) (2011).

⁵ 42 U.S.C. § 7178 (2006).

⁶ *Id.*

⁷ 18 C.F.R. § 381.302(a) (2011).

⁸ Our denial of waiver means that the applicant has thirty days from the date of notification of the denial to pay the fee for declaratory order. 18 C.F.R. § 381.106(b) (2011). If Northern Laramie Range Alliance does not pay the required fee within those thirty days, the Commission will not act on Northern Laramie Range Alliance’s petition for declaratory order.