

140 FERC ¶ 61,004
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony T. Clark.

Unnamed Entity v. California Independent System
Operator Corp.

Docket No. EL12-70-000

ORDER ACCEPTING WITHDRAWAL

(Issued July 5, 2012)

1. On May 21, 2012, Unnamed Entity filed a complaint pursuant to section 206 of the Federal Power Act¹ against the California Independent System Operator Corp. (CAISO) arising out of CAISO's decision to impose a penalty on Unnamed Entity for allegedly providing untimely answers to certain data requests made by the CAISO Department of Market Monitoring.
2. On June 20, 2012, Unnamed Entity filed a motion to withdraw the Complaint. On July 3, 2012, the Office of Enforcement and CAISO filed answers to the motion to withdraw the complaint. In its answer, CAISO does not oppose the motion. It notes that Unnamed Entity conditioned its withdrawal as "subject to potential amendment and re-filing at a later date." CAISO states that "[i]f the Commission grants the motion, it should make clear that any re-filed complaint concerning the penalties that were the subject of the Complaint would be untimely and subject to dismissal on that basis." The Office of Enforcement also does not oppose the motion to withdraw the complaint, but submitted various "factual materials" that it states "may be helpful to the Commission in resolving Unnamed Entity's motion and determining whether any further action may be appropriate."
3. Pursuant to Rule 216² of the Commission's Rules of Practice and Procedure, the withdrawal of any pleading is effective at the end of 15 days from the date of filing of a notice of withdrawal, if no motion in opposition to the notice of withdrawal is filed

¹ 16 U.S.C. § 824e (2006)

² 18 C.F.R. § 385.216 (2011).

within that period and the decisional authority does not issue an order disallowing the withdrawal within that period. If a motion in opposition to a notice of withdrawal is filed within the 15 day period, the withdrawal is not effective until the decisional authority issues an order accepting the withdrawal.

4. The Commission will accept Unnamed Entity's Motion to Withdraw its complaint. The Commission notes that neither CAISO nor the Office of Enforcement opposes the request to withdraw the complaint. With respect to the request by CAISO to determine that any complaint concerning the penalties would be untimely, the Commission finds that such a determination is premature. The Commission will address such issues if the Unnamed Entity raises them in a new proceeding. With respect to the material submitted by the Office of Enforcement, any additional actions that might be appropriate will be addressed in a new proceeding.

The Commission orders:

Unnamed Entity's Motion to Withdraw is accepted, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.