

158 FERC ¶ 61,015  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Western Water and Power Production  
Limited LLC

Docket Nos. EL17-17-000  
QF11-516-001

NOTICE OF INTENT NOT TO ACT

(January 6, 2017)

1. On November 4, 2016, Western Water and Power Production Limited LLC (Petitioner) filed a petition for enforcement against the New Mexico Public Regulation Commission (New Mexico Commission) pursuant to section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA).<sup>1</sup> Petitioner claims that the New Mexico Commission's regulations and rulings violate the Commission's PURPA regulations regarding a qualifying facility's (QF) ability to sell pursuant to a legally enforceable obligation.<sup>2</sup>

Notice is hereby given that the Commission declines to initiate an enforcement action pursuant to section 210(h)(2)(A) of PURPA.<sup>3</sup> Our decision not to initiate an enforcement action means that Petitioner may itself bring an enforcement action against the New Mexico Commission in the appropriate court.<sup>4</sup>

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>1</sup> 16 U.S.C. § 824a-3(h)(2)(B) (2012).

<sup>2</sup> *See* 18 C.F.R. §§ 292.303(a)(1), 292.304(d) (2016).

<sup>3</sup> 16 U.S.C. § 824a-3(h)(2)(A) (2012).

<sup>4</sup> 16 U.S.C. § 824a-3(h)(2)(B) (2012).