

126 FERC ¶ 61,113  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Welch Motel, Inc.,  
Welch Oil, Inc.,  
Boondocks USA Truck Stop, and  
Bob Welch

Docket No. EL09-23-000

v.

Midland Power Cooperative  
Corn Belt Power Cooperative

NOTICE OF INTENT NOT TO ACT

(February 12, 2009)

1. On December 17, 2008, Welch Motel, Inc., Welch Oil, Inc., Boondocks USA Truck Stop, and Bob Welch (collectively, Welch Motel) filed a complaint against Midland Power Cooperative (Midland) and Corn Belt Power Cooperative (collectively, the Cooperatives) for enforcement pursuant to section 210(h) of PURPA, 16 U.S.C. § 824a-3(h) (2006). Welch Motel asks the Commission to undertake enforcement action against the Cooperatives to: (1) allow Welch Motel to enter into a contract to consume all of the electric energy and capacity generated by its wind turbine in Williams, Iowa before drawing power from Midland; (2) require Midland to program its electric meter in such a way that Welch Motel is not billed for electricity from Midland until it has consumed all of the electric energy from the wind turbine, measured on a monthly basis; or (3) in the alternative, if the Commission fails to act timely, to be allowed to sue in any court for enforcement of PURPA.

2. Notice is hereby given that the Commission declines to initiate an enforcement action under section 210(h)(2)(A) of PURPA.

By the direction of the Commission. Commission Kelliher is not participating.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.