

134 FERC ¶ 61,271  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Southern California Edison Company  
Pacific Gas and Electric Company  
San Diego Gas & Electric Company

Docket No. EL11-19-000

NOTICE OF INTENT NOT TO ACT

(March 31, 2011)

1. On January 31, 2011, Southern California Edison Company, Pacific Gas and Electric Company and San Diego Gas & Electric Company (collectively, Joint Utilities) filed a petition for enforcement pursuant to section 210(h)(2) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. § 824a-3(h)(2) (2006), against the California Public Utilities Commission (CPUC). The Joint Utilities state that they are bringing this action because the CPUC has issued a series of orders in its rulemaking docket R.08-06-024 that are inconsistent with, and contrary to, PURPA and the Commission's PURPA regulations. The Joint Utilities request that the Commission take enforcement action against the CPUC to require the CPUC to undertake the analysis required by Federal law to ensure that the price for purchases from qualifying facilities that participate in the CPUC's Assembly Bill 1613 program does not exceed each of the Joint Utilities' avoided cost.

2. Notice is hereby given that the Commission declines to initiate an enforcement action under section 210(h)(2)(A) of PURPA. Our decision not to initiate an enforcement action means that the Joint Utilities may themselves bring an enforcement action against the CPUC in the appropriate court, arguing that the CPUC has failed to, and that the court should require the CPUC to comply with PURPA.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.