

138 FERC ¶ 61,046  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Acacia Energy, Inc.	Docket Nos. ER07-491-000
Aleph One, Inc.	ER04-686-000
Alpha Domestic Power Trading, L.L.C.	ER08-14-000
American Power Exchange, Inc.	ER94-1578-000
ATCO Power Canada Limited	ER99-3282-000
Black River Commodity Energy Fund LLC	ER06-932-000
Black River Macro Discretionary Fund Ltd.	ER06-931-000
Bluco Energy, LLC	ER10-1171-000
BlueRock Energy, Inc.	ER06-606-000
CBA Endeavors, LLC	ER08-996-000
Cesarie, Inc.	ER10-397-000
Citizens Energy Corporation	ER01-2814-000
Coburn Energy, LLC	ER08-1523-000
Community Power & Utility	ER10-1466-000
Consulting Gasca & Associates, LLC	ER10-899-000
Cross Border Energy, LLC	ER09-1725-000
Discount Power, Inc.	ER09-874-000
East Coast Power & Gas, LLC	ER10-1716-000
Eastland Power, LLC	ER08-665-000
Ebersen, Inc.	ER03-1330-000
EnergyWindow, Inc.	ER04-584-000
Falcon Energy LLC	ER09-1075-000
Fibrominn LLC	ER04-1245-000
First Point Power, LLC	ER10-293-000
Green Energy Partners, LLC	ER08-1211-000
Hampton Lumber Mills-Washington, Inc.	ER06-890-000
IEP Power Marketing, LLC	ER06-1007-000
Innovative Technical Services, L.L.C.	ER03-763-000
Inupiat Energy Marketing, LLC	ER09-1748-000
KODA Energy, LLC	ER09-107-000
Kohler Co.	ER95-1018-000
KRK Energy	ER05-713-000
Lafarge Midwest, Inc.	ER09-1146-000
LBPC Power, Inc.	ER07-155-000

Lehigh Capital, LLC	ER08-326-000
Liberty Power Corp., LLC	ER03-500-000
Liberty Power Delaware LLC	ER06-1157-000
Liberty Power District of Columbia LLC	ER06-218-000
Liberty Power Holdings LLC	ER06-1243-000
Liberty Power Maryland LLC	ER06-167-000
Liberty Power New York LLC	ER06-219-000
Luna Energy Investments, LLC	ER08-859-000
Matched LLC	ER10-719-000
Mid-Power Service Corporation	ER97-4257-000
Nordic Energy, L.L.C.	ER01-2311-000
Nordic Marketing, L.L.C.	ER00-774-000
Nordic Marketing of Illinois, L.L.C.	ER03-888-000
Nordic Marketing of Michigan, L.L.C.	ER04-264-000
Olde Towne Energy Associates, LLC	ER04-942-000
P&T Power Company	ER97-18-000
Parkview AMC Energy, LLC	ER06-1221-000
Pirin Solutions, Inc.	ER07-594-000
Quiet Light Trading, LLC	ER05-51-000
Redwood Energy Marketing, LLC	ER04-545-000
REP Energy LLC	ER10-1783-000
ResCom Energy LLC	ER09-1739-000
Robbins Energy LLC	ER09-747-000
SF Phosphates Limited Company, LLC	ER01-1121-000
Sirius Investment Management, Inc.	ER05-71-000
Smart One Energy, LLC	ER10-2943-000
Tallgrass Energy Partners	ER08-679-000
The Legacy Energy Group, LLC	ER99-3571-000
Telemagine, Inc.	ER05-419-000
Tennessee Power Company	ER95-581-000
Verde Renewable Energy, Inc.	ER07-48-000
Vesta Capital Partners LP	ER05-1434-000
Vesta Trading LP	ER05-939-000
Vickers Power, L.L.C.	ER09-498-000
Walden Energy, LLC	ER05-66-000
Yaka Energy, LLC	ER05-1194-000

**ORDER ON INTENT TO REVOKE MARKET-BASED RATE AUTHORITY**

(Issued January 20, 2012)

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. § 824d (2006), and 18 C.F.R. Part 35 (2011), require, among other things, that all rates, terms, and conditions of jurisdictional services be filed with the Commission. In Order No. 714, the Commission revised its public utility filing requirements and established a requirement that all tariffs, tariff revisions and rate change applications for public utilities, natural gas pipelines, oil pipelines, and power administrations be filed electronically.<sup>1</sup> All companies with a tariff of general applicability on file with the Commission, which includes a market-based rate tariff, were required to make a baseline filing of their currently effective tariff by September 30, 2010.

2. Commission staff's review of the baseline tariff submittals indicates that 70 public utilities with authority to sell electric power at market-based rates have failed to file their baseline tariffs. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 60 days of the date of issuance of this order.

3. In Order No. 714, the Commission explained that in order for the Commission and the public to obtain a complete picture of a company's tariff, the various provisions need to be integrated into a single system that will provide information as to the status of tariff provisions, permit the assembly of a complete tariff, and permit tariff-related research.<sup>2</sup> Further, the Commission explained that the standards being adopted in Order No. 714 merely replace the former paper system database with a very similar electronic database that will track tariff submissions and tariff history, but in a form that will make tariff information more widely available over the Internet. The Commission stated that "the database will provide easier access to tariffs and allow the viewing of proposed tariff sections in context."<sup>3</sup> To implement such a database, the Commission required each regulated entity to make a filing to establish its baseline tariffs and "because eTariff is a database system with no existing records, the baseline tariff needs to reflect the tariff as accepted by the Commission."<sup>4</sup> In *Electronic Tariff Filings*, the Commission clarified that companies had until September 30, 2010 to submit their baseline filings.<sup>5</sup>

4. As noted above, Commission staff's review of the baseline tariff submittals identified 70 public utilities with authority to sell power at market-based rates that failed to file baseline tariffs by September 30, 2010. Commission staff contacted these entities

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<sup>1</sup> *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

<sup>2</sup> *Id.* P 10.

<sup>3</sup> *Id.* P 11.

<sup>4</sup> *Id.* P 100.

<sup>5</sup> 130 FERC ¶ 61,228, at P 6 (2010).

to remind them of their regulatory obligations.<sup>6</sup> The 70 public utilities listed in the caption of this order have not met these obligations.<sup>7</sup> Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 60 days of the issuance of this order.

5. In the event that any of the above-captioned market-based rate sellers has already filed its baseline tariff in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such a market-based rate seller is directed, within 30 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filing that establishes that it complied with the Commission's baseline tariff filing requirements.

6. If any of the above-captioned market-based rate sellers does not wish to continue having market-based rate authority, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

The Commission orders:

Within 60 days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all delinquent baseline tariff filings. If a public utility fails to make this filing, the Commission will revoke that public utility's authority to sell power at market-based rates and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order and in the absence of any further Commission order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's baseline tariff filing requirements.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>6</sup> *330 Fund I LP*, Docket No. ER06-1205-000 (Aug. 31, 2011) (delegated letter order).

<sup>7</sup> According to the Commission's records, the companies subject to this order failed to file their baseline tariffs by September 30, 2010.