

143 FERC ¶ 61,093
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

v.

Docket No. EL13-50-000

Midland Power Cooperative
Corn Belt Power Cooperative

NOTICE OF INTENT NOT TO ACT

(May 3, 2013)

1. On March 4, 2013, Welch Motel, Inc., Welch Oil, Inc., Boondocks USA Truck Stop, and Bob Welch (collectively, Welch Motel) filed a petition for enforcement against Midland Power Cooperative (Midland) and Corn Belt Power Cooperative (collectively, the Cooperatives) pursuant to section 210(h)(2)(A) of the Public Utility Regulatory Policies Act of 1978 (PURPA).¹ Welch Motel requests that the Commission require the Cooperatives to: (1) net meter the wind generation and the energy usage by Welch Motel, Inc., which is located behind-the-meter of the wind turbine, in each billing month; (2) credit its excess wind generation against the energy used by its other, nearby properties owned by Welch Motel, which are not located behind-the-meter of the wind turbine,² in each billing month; and (3) bank any excess wind generation to offset usage in future months by all of Welch Motel's properties, regardless of whether they are located behind-the-meter of its wind turbine. In sum, Welch Motel seeks an aggregated and perpetual net metering, banking and crediting arrangement for all of its properties.

¹ 16 U.S.C. § 824a-3(h)(2)(A) (2006).

² According to the Cooperatives, Welch Motel's other, nearby facilities, which are not located behind-the-meter of its wind turbine, include the Boondocks USA Truck Stop, Welch Oil, Inc., and a Dairy Queen. Cooperatives state that these other properties are not interconnected with the wind turbine at Welch Motel Inc. and they are located across a public street. Cooperatives' March 25, 2013 Answer, Affidavit of William McKim at 4, and Affidavit of Bruce McKeeney at 4-5.

Welch Motel adds that it does not wish to itself pursue its enforcement rights in federal court.³

2. Notice is hereby given that the Commission declines to initiate an enforcement action pursuant to section 210(h)(2)(A) of PURPA.⁴

By the direction of the Commission.

Kimberly D. Bose,
Secretary.

³ When the Commission declines to initiate an enforcement action under section 210(h)(2)(A) of PURPA within 60 days of the date the petition was filed, the petitioner may itself bring an action in the appropriate United States district court. 16 U.S.C. § 824a-3(h)(2)(B) (2006).

⁴ Welch Motel states that it previously filed a petition for enforcement raising the same issues it now raises in this petition. Welch Motel March 4, 2013 Transmittal Letter at 1. The Commission at that time also declined to initiate an enforcement action under section 210(h)(2)(A) of PURPA. *Welch Motel, Inc., Welch Oil, Inc., Boondocks USA Truck Stop, & Bob Welch*, 126 FERC ¶ 61,113 (2009).