

138 FERC ¶ 61,172
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Benjamin Riggs

v.

Docket No. EL12-16-000

Rhode Island Public Utilities Commission

NOTICE OF INTENT NOT TO ACT

(March 15, 2012)

1. On December 15, 2011, Benjamin Riggs 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 Rhode Island Public Utilities Commission (Rhode Island commission). Mr. Riggs asserts that the Rhode Island commission has, through the adoption of a standard contract, authorized contracts that contain rates for renewable energy projects that exceed avoided costs in violation of PURPA and the Commission's regulations implementing PURPA. Mr. Riggs requests that the Commission enjoin the implementation of these contracts.

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 Mr. Riggs may himself bring an enforcement action against the Rhode Island commission in the appropriate court.

By direction of the Commission.

Kimberly D. Bose,
Secretary.