

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

Suffolk County Electrical Agency

Docket No. TX96-4-001

ORDER TERMINATING PROCEEDING

(Issued January 26, 2005)

1. This order terminates a proceeding that involved a request for an order directing transmission service pursuant to sections 211 and 212 of the Federal Power Act,¹ filed by Suffolk County Electrical Agency (Suffolk), for failure to identify specific plans to purchase the power for which it sought the order.

Background

2. On January 17, 1996, Suffolk requested that the Commission direct Long Island Lighting Company, now Long Island Power Authority (LIPA), to provide transmission services, as well as certain ancillary, billing, and collection services, to allow Suffolk to purchase lower-cost power for its residential, commercial, and industrial customers. At that time, Suffolk expected to purchase power from Northeast Utilities and Enron Power Marketing, Inc.

3. On December 31, 1996, the Commission issued a Proposed Order directing LIPA to provide service to the extent necessary to accommodate Suffolk's proposed purchase and resale of power, and ordered further procedures to establish the rates, terms, and conditions of such service.² At the repeated request of the parties, however, the Commission deferred further action.

¹ 16 U.S.C. § 824j, 824k (2000).

² *Suffolk County Electrical Agency*, 77 FERC ¶ 61,355 (1996).

4. On September 27, 2001, the Commission issued an order setting the case for hearing, first allowing the parties another opportunity to negotiate a settlement.³ The parties were unable to reach agreement, so a hearing on the rates, terms, and conditions was held.

5. On March 12, 2003, the presiding judge issued an Initial Decision.⁴

6. On February 17, 2004, the Commission issued Opinion No. 467, which affirmed in part, dismissed in part, and reversed in part the Initial Decision.⁵ The Commission also stated:

Because Suffolk does not currently purchase the power and has not identified any specific plans to purchase the power for which it sought the Section 211 transmission order, we are unable to issue a Final Order at this time. Instead, Suffolk is directed to identify its supplier(s) within 90 days of the date of this order or we will dismiss this proceeding.⁶

7. On March 18, 2004, Suffolk and LIPA filed requests for rehearing. Suffolk also requested that the Commission extend the period for Suffolk to identify its supplier(s) until 90 days from the date of the rehearing order.

8. On August 9, 2004, the Commission denied the requests for rehearing.⁷ However, the Commission partially granted Suffolk's request for an extension of time in which to identify a supplier, "so that Suffolk now must identify its supplier(s) within 45 days of the date of this order or we will dismiss this proceeding."⁸

³ *Suffolk County Electrical Agency*, 96 FERC ¶ 61,349 (2001).

⁴ *Suffolk County Electrical Agency*, 102 FERC ¶ 63,037 (2003) (Initial Decision).

⁵ *Suffolk County Electrical Agency*, Opinion No. 467, 106 FERC ¶ 61,157 (2004).

⁶ *Id.* at P 1 (footnote omitted); *see also id.* at Ordering Paragraph (B).

⁷ *Suffolk County Electrical Agency*, Opinion No. 467-A, 108 FERC ¶ 61,173 (2004).

⁸ *Id.* at P 1; *see also id.* at Ordering Paragraph (D).

9. On September 23, 2004, Suffolk filed a motion for an additional 90-day extension of time to identify its supplier(s). On September 28, 2004, the extension was granted.

10. On November 8, 2004, Suffolk filed a motion for an additional 90-day extension. On November 10, 2004, LIPA filed a response opposing further extension. On November 16, 2004, the extension was denied.

Discussion

11. In light of the fact that, almost a year after Opinion No. 467 first directed Suffolk to do so, Suffolk is still unable to identify its supplier(s) for the requested transmission service, the Commission will terminate this proceeding.

The Commission orders:

This proceeding is hereby terminated.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.