

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

STAFF NOTICE OF ALLEGED VIOLATIONS

(December 20, 2011)

Take notice that in a nonpublic preliminary investigation pursuant to 18 C.F.R. Part 1b, the staff of the Office of Enforcement of the Federal Energy Regulatory Commission (Commission) has preliminarily determined that Vista Energy Marketing, L.P. (Vista) violated section 35.41(b) of the Commission's regulations¹ and violated an order issued on August 26, 2009, at 128 FERC ¶ 61,188 (2009).

Staff alleges that Vista made misleading or untrue statements to the Commission in connection with its application for market-based rate authority, purporting to limit the involvement in Vista's operations and management of an individual member of Vista, Michael Whalen. The Commission relied upon these statements in authorizing Vista to make sales at market-based rates on August 26, 2009. Staff alleges that Vista thereby violated section 35.41(b) of the Commission's regulations and that this violation occurred from April 10, 2009, to July 3, 2010.

Staff also alleges that Vista violated terms and conditions of the August 26, 2009 order regarding Mr. Whalen's involvement in Vista's operations and management. Vista never made jurisdictional sales under its market-based rate authority, and has withdrawn its market-based rate tariff.

This Notice does not confer a right on third parties to intervene in the investigation or any other right with respect to the investigation.²

Kimberly D. Bose,
Secretary.

¹ 18 C.F.R. § 35.41(b) (2011).

² *Enforcement of Statutes, Regulations, and Orders*, 129 FERC ¶ 61,247 (2009), *order on reh'g*, 134 FERC ¶ 61,054 (2011).

Document Content(s)

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