

PUBLIC VERSION

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

NERC Abbreviated Notice of Penalty) Docket No. NP11-59-000
Regarding Unidentified Registered Entity)

**NOTICE OF WITHDRAWAL OF MOTION TO INTERVENE
AND REQUEST FOR REVIEW AND TEMPORARY STAY OF THE
NOTICE OF PENALTY FILED BY NERC, AND MOTION FOR WAIVER**

On January 19, 2011, the Unidentified Registered Entity (“URE”) submitted a Motion to Intervene and Request for Review and Temporary Stay of the Notice of Penalty Filed by NERC (“January 19 Filing”) in the above-captioned proceeding. The URE hereby provides notice to the Commission that it withdraws the January 19 Filing.

Furthermore, the URE respectfully requests that the Commission waive Rule 216(b) of its Rules of Practice and Procedure, and permit this withdrawal to become effective as of January 21, 2011. The Commission has made clear that waiver of the 15-day period specified under Rule 216(b) is warranted where there is good cause for doing so.¹ The URE submits that good cause exists here; waiver will permit the Notice of Penalty in the above-captioned proceeding to take effect in a timely manner, and avoid a potentially protracted proceeding. Accordingly, the Commission should waive the 15-day period specified under Rule 216(b), and permit the notice of withdrawal to take effect today. Finally, to the extent that the Commission

¹ See *White River Hub, LLC*, 124 FERC ¶ 61,132 at n.7 (2008) (waiving 15-day period for withdrawal of protest); *U.S. Gen New England, Inc., et al.*, 109 FERC ¶ 61,361 at P 13 (2004) (permitting waiver of 15-day period under Rule 216 to allow withdrawal of protests); *China U.S. Power Partners I, Ltd.*, 73 FERC ¶ 61,247 (2004) (permitting waiver of the 15 day period where, absent waiver, Commission inaction would result in automatic grant of EWG status); *North American Energy Services Company*, 71 FERC ¶ 61,103 (1995) (permitting waiver of the 15 day period where, absent waiver, Commission inaction would result in automatic grant of EWG status). See also *AT&T Corporation v. Federal Communications Commission*, 448 F.3d 426, 431 (D.C. Cir. 2006) (Court review of agency’s decision to waive its procedural rules focuses on whether the agency “failed to consider relevant factors or made a manifest error in judgment.”).

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determines that any other rules regarding timing or effective date are applicable to this filing herein, the URE respectfully requests waiver of the requirements of such provisions.

Respectfully submitted,

/s/ Brian M. Zimmet _____

Brian M. Zimmet

Attorney for the Unidentified Registered Entity

January 21, 2011

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list for the captioned proceeding, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated this 21st day of January, 2011, at Washington, D.C.

/s/ Brian M. Zimmet _____

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