

Integration customer's contribution to the FCRTS peak.

The proposed PT rate, along with terms and conditions of service, provides transmission service for customer's native load and/or transactions with third parties over the FCRTS Integrated Network. The PT rate is based on transmission costs allocated to the FPT/IR class of service and is structured as a monthly demand charge.

7. Advance Funding (AF)

The proposed AF rate allows BPA to collect the capital and related costs of specified BPA-owned transmission facilities through advance payment. Such facilities could include interconnection and resource integration facilities, and upgrades or reinforcements to the FCRTS. Following commercial operation of the specified facilities, a true-up of estimated costs with actual costs would occur.

8. Reservation Charge for Transmission Capacity, and Reactive Power Charge

The proposed Reservation Charge is included in the firm transmission rate schedules for application to customers who enter into a contract with BPA for new or increased firm transmission service on the FCRTS and want to reserve transmission capacity to accommodate such service. Payment of the Reservation Charge for Transmission Capacity would allow a customer to reserve capacity for up to 3 years, with the possibility of two annual extensions granted by BPA on a case-by-case basis.

The proposed Reactive Power Charge is included in BPA's transmission rate schedules as well as BPA's power rate schedules, and charges customers for their reactive power requirements by point of delivery.

V. Transmission Rate Schedules

The proposed transmission rates are incorporated in the Wholesale Power and Transmission Rate Schedules. The rate schedule document includes three sections. The first section contains the wholesale power and transmission rate schedules. Each schedule is comprised of sections stating to whom the rate schedule is available, rates for the products offered under the schedule, and billing factors. Each rate schedule also lists the adjustments, charges, and special provisions that apply to that rate schedule.

The second section contains detailed descriptions of the adjustments, charges, and special provisions that apply to the various rate schedules. The third section contains the GRSPs for power and transmission rates. The GRSPs include a lengthy list of definitions, both of

products and services and of rate schedule terms.

The Wholesale Power and Transmission Rate Schedules and the GRSPs will be published in a separate **Federal Register** Notice as described in Section I of this Notice.

Issued in Portland, Oregon, on February 7, 1995.

J.H. Curtis,

Acting Administrator.

[FR Doc. 95-3535 Filed 2-13-95; 8:45 am]

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Hearing and Opportunity for Public Comment; Regarding Proposed Comparable Transmission Terms and Conditions

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Hearing and Opportunity to Comment.

SUMMARY: *BPA File No. TC-95.* BPA requests that all comments and documents intended to become part of the Official Record in this process contain the file number designation TC-95. BPA will be proposing terms and conditions applicable to three transmission services over the network transmission system of the Federal Columbia River Transmission System (FCRTS) which BPA considers to be comparable to the uses BPA itself makes of such system for its own power transactions. The Federal Power Act, as amended by the Energy Policy Act of 1992, provides that BPA may institute a regional hearing process on proposed transmission terms and conditions of general applicability. By this notice, BPA is announcing such a proceeding and the dates on which the proposed transmission terms and conditions will be available.

DATES: Persons wishing to comment on the proposed transmission terms and conditions but not wishing to become "parties" to the proceeding must submit written comments on the proposals by May 15, 1995. Persons wishing to become formal "parties" to the proceeding must notify BPA in writing of their intention to do so in accordance with requirements stated in this Notice. Intervention petitions must be received by 9 a.m. February 13, 1995.

A prehearing conference will be held before the Hearing Officer at 9:00 a.m. on February 13, 1995, in the BPA Rates Hearing Room located at 2032 Lloyd Center, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m. The prehearing conference for BPA's 1995 power and transmission rate case will occur at the same time and

place as the prehearing conference for this proceeding. BPA's present intent is for the Hearing Officer for this transmission terms and conditions proceeding to be other than the Hearing Officer presiding over BPA's 1995 power and transmission rate proceeding. However, it also is BPA's intent to merge as much as possible the schedules and records for these two proceedings in order to address common transmission issues efficiently. At the prehearing conference, BPA may move to consolidate common transmission issues.

The Hearing Officer will act on all intervention petitions and oppositions to intervention petitions, rule on any motions, establish additions or changes to the Procedures, establish a service list, establish a procedural schedule in conjunction with the rates hearing officer, and consolidate parties with similar interests for purposes of filing jointly-sponsored testimony and briefs and for expediting any necessary cross-examination. A notice of the dates and times of any hearings will be mailed to all parties of record. Objections to orders made by the Hearing Officer at the prehearing conference must be made in person or through a representative at the prehearing conference.

The following schedule information is provided for informational purposes. A final schedule will be established by the Hearing Officer at the prehearing conference.

February 9, 1995 (on or about)

Proposed Transmission Terms and Conditions mailed to customers and 1993 rate case parties and available from BPA's Public Information Center, 1st Floor, 905 N.E. 11th Ave., Portland, Oregon.

February 13, 1995 (on or about)

Proposed Transmission Terms and Conditions published in **Federal Register**.

February 13, 1995

Prehearing conference to set schedule and act on petitions to intervene.

April 5, 1995 (on or about)

Supplemental testimony filed.

October 29, 1995

Administrator's Final Decision

BPA also will be conducting public field hearings on it proposed power and transmission rates. Comments on the proposed transmission terms and conditions also will be accepted at these hearings. The dates and locations of the field hearings will be announced later through mailings and public advertising.

ADDRESSES: Written comments by "participants" should be submitted by May 15, 1995, to: Manager, Corporate

Communications—CK, Bonneville Power Administration, 905 N.E. 11th Ave, P.O. Box 12999, Portland, Oregon 97212

Petitions to intervene should be filed by 9 a.m. February 13, 1995. Persons intervening in the power and transmission rate case who also desire to intervene in this proceeding may file a single petition to intervene which specifically identifies both proceedings. Petitions to intervene should be addressed as follows: Hearing Officer, c/o Francis (Jamie) Troy, Hearing Clerk—LQ, Bonneville Power Administration, 905 N.E. 11th Ave., P.O. Box 12999, Portland, Oregon 97212.

In addition, persons intervening in the rate case must serve a copy of the petition on: Janet L. Prewitt, Office of Legal Services—LQ, Bonneville Power Administration, 905 N.E. 11th Ave., P.O. Box 3621, Portland, OR 97208.

Interventions in this proceeding must be served concurrently on: Stephen Larson, Office of Legal Services—LP, 905 N.E. 11th Ave., P.O. Box 3621, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Hansen, Public Involvement and Information Specialist, at the address listed above, (503) 230-4328 or call toll-free 1-800-622-4519.

Information also may be obtained from: Mr. Steve Hickok, Group Vice President, Sales and Customer Service, P.O. Box 3621, Portland, OR, 97232 (503) 230-5356.

Mr. George Eskridge, Manager, SE Sales and Customer Service District, 1101 W. River, Suite 250, Boise, ID 83702, (208) 334-9137.

Mr. Ken Hustad, Manager, NE Sales and Customer Service District, Crescent Court, Suite 500, 707 Main, Spokane, WA 99201, (509) 353-2518.

Ms. Ruth Bennett, Manager, SW Sales and Customer Service District, 703 Broadway, Vancouver, WA 98660, (360) 418-8600.

Ms. Marg Nelson, Manager, NW Sales and Customer Service District, Suite 400, 201 Queen Anne Ave. N., Seattle, WA 98109-1030, (206) 216-4272.

Responsible Official: Mr. Dennis Metcalf, BPA Transmission Team Lead, is the responsible official for the development of BPA's transmission terms and conditions.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to this notice, BPA is initiating a regional hearing process on proposed transmission services terms and conditions. BPA is proposing to establish terms and conditions of

general applicability for certain transmission services comparable to the uses Bonneville provides itself over the integrated network transmission system of the FCRTS. These proposed terms and conditions for comparable services are intended to: (1) respond to customer requests in the context of the renegotiation of BPA's power sales contracts that Bonneville eliminate its transmission-based market power, (2) with respect to network transmission services, comply with the Commission's requirement that members of regional transmission associations develop and publish tariffs meeting the Commission's comparability standards; and (3) facilitate an opportunity for FERC to review the rates for these services, which BPA will file as meeting the just, reasonable, and not unduly discriminatory or preferential standard in the context of the associated contractual terms and conditions. Though BPA and its customers have not yet concluded their discussions regarding what constitutes comparable access to the Federal transmission system, nevertheless BPA is now initiating this proceeding in order to place it on the same initial schedule as the related transmission rate case, also being noticed today. It is likely that discussions will continue before and during this proceeding, consistent with ex parte rules, in an attempt to settle outstanding issues.

The Federal Power Act amendments passed by Congress in the Energy Policy Act of 1992, Pub. L. No. 102-486, 106 Stat. 2776 (1992), provide that BPA may institute a formal regional hearing on transmission terms and conditions which it proposes to establish for general applicability. 16 U.S.C. § 824k(i)(2). This hearing is in some important respects different in function from BPA's rate case proceedings under section 7(i) of the Northwest Power Act, 16 U.S.C. § 839e(i). If BPA elects to institute a transmission terms and conditions hearing, the agency must (1) give notice in the Federal Register and state in such notice the reasons why the terms and conditions are being offered, and (2) adhere to the procedural requirements of paragraphs (1) through (3) of section 7(i) of the Northwest Power Act, 16 U.S.C. § 839e(i)(1)-(3), except that the Hearing Officer shall make findings and conclusions on material issues of fact, law or discretion presented on the record and make a recommended decision to the BPA Administrator. The Administrator then must make a separate determination, based on the hearing record, the Hearing Officer's recommendation, and

applicable law, setting forth the reasons for reaching any findings and conclusions different from those of the hearing officer. Pursuant to BPA's statutory requirements, the rates associated with these terms and conditions will be the subject of a formal hearing, also noticed today, established by BPA under section 7(i) of the Northwest Power Act. The extent to which the schedules for these two related hearings will be merged will be determined at the prehearing conference on February 13, 1995.

BPA will be proposing comparable network transmission tariffs based on similar tariff documents recently developed by the litigation staff of the Federal Energy Regulatory Commission (hereafter "Commission"). Proposed commitments and requirements will be described for: (1) integrated network service pursuant to which an entity may use the integrated network transmission system of the FCRTS flexibly to meet its network loads on a basis equal to BPA's native load obligations; (2) a flexible, multiple point-to-point firm transmission service over the integrated network transmission system of the FCRTS and available to serve network loads as well as off-system sales; and (3) nonfirm point-to-point transmission service over the integrated network transmission system of the FCRTS. The proposed tariffs will be published in a separate **Federal Register** Notice on or about February 13, 1995. The tariffs also will be mailed to BPA's customers, 1993 rate case parties and other interested persons, and will be available from BPA's Public Information Center on or about February 9, 1995.

Because of the complexity of the issues in this proceeding and the related rate case, in part occasioned by continuing contract negotiations between BPA and its customers together with BPA's reinvention and its Competitiveness Project, BPA anticipates that it will need to meet with customers and other interested third parties on a very frequent, and possibly extended, basis. To comport with the procedural rule prohibiting ex parte communications, BPA will provide necessary notice of meetings involving issues related to transmission terms and conditions of general applicability for participation by all parties to the proceeding. Parties should be aware, however, that such meetings may be held on very short notice. In the interim prior to the prehearing conference, persons who would like notice of such meetings should provide their name, address, phone and fax numbers to: Ms. Janet L. Prewitt, Office of General Counsel—LQ, Bonneville Power

Administration, P.O. Box 3621,
Portland, OR 97208, Tel: (503) 230-
4201, Fax: (503) 230-7405.

II. Governing Procedures

BPA is adopting the "Procedures Governing Bonneville Power Administration Rate Hearings," 51 FR 7611 (March 5, 1986) (hereafter "Procedures") to govern this proceeding, except that the Hearing Officer will make a recommended decision to the Administrator as described in section 212(i)(2)(A)(II) of the Federal Power Act, 16 U.S.C. § 824k(i)(2)(A)(II), and the Administrator will either accept or reject the recommendation. BPA and parties to the proceeding may move to adopt special rules of practice at the February 13 prehearing conference to better address the requirements of this proceeding.

The Procedures distinguish between "participants" and "parties" to the hearing. Apart from the formal hearing process, BPA will receive comments, views, opinions and information from "participants," who are defined in the Procedures as any person who may express views but who does not petition

successfully to intervene as a party. Participants' written comments will be made part of the official record of the case and considered by the Hearing Officer and the Administrator. The participant category gives the public the opportunity to participate and have its views considered without assuming the obligations incumbent upon "parties." Participants are not entitled to participate in the prehearing conference, cross-examine parties' witnesses, seek discovery, serve or be served with documents, and are not subject to the same procedural requirements as parties. Written comments by participants on BPA's proposed transmission terms and conditions will be accepted May 15, 1995, and should be submitted to BPA's Manager of Corporate Communications at the address listed above in the Summary Section of this notice.

The second category of interest is that of a "party" as defined in §§ 1010.2 and 1010.4 of the Procedures. Parties may participate in any aspect of the hearing process. Persons wishing to timely become a party to BPA's terms and conditions proceeding must notify the Hearing Officer and BPA in writing of

their request by 9:00 am, February 13, 1995. Petitions to intervene shall state the name and address of the person and the person's interests in the outcome of the proceeding in sufficient detail to permit the Hearing Officer to determine whether the person has a relevant interest in the proceeding. Petitioners may designate no more than two representatives upon whom service of documents will be made. Intervention petitions will be available for inspection in BPA's Public Information Center, 1st Floor, 905 N.E. 11th Ave., Portland, Oregon. Any opposition to a petition to intervene must be raised at the February 13, 1995, prehearing conference. All timely applications will be ruled on by the Hearing Officer. Opposition to an untimely petition to intervene shall be filed and served within 2 days after service of petition. Interventions are subject to § 1010.4 of the Procedures.

Issued in Portland, Oregon, on February 7, 1995.

J.H. Curtis,

Acting Administrator.

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