But if the order's perception of undue discrimination is accurate, and I believe it is, would it not suggest that some power supply contracts negotiated in that environment were infected with undue discrimination and therefore unlawful? Would it not be appropriate, and more symmetrical, to allow such customers the right to make a filing asking the Commission to determine whether their current contract is unduly discriminatory, unjust or unreasonable? We would not, of course, allow such customers to escape their stranded cost responsibility in any event. Even if we allowed customers to make such filings, they would remain fully responsible for the costs reasonably incurred on their behalf.

A more symmetrical approach to customers and utilities during the transition to competitive markets would be consistent with the Commission's Order 636. There, the Commission granted all pipeline ''sales'' customers the right to choose other gas suppliers but granted all pipelines 100 percent recovery of their eligible and prudent transition costs. In granting ''conversion rights'' to pipeline sales customers, the Commission found that continued enforcement of customers' existing purchase obligations, entered into when pipelines provided bundled service and had a virtual monopoly over certain aspects of interstate service, was contrary to the requirements of the Natural Gas Act.

I am not suggesting today that we mirror precisely the natural gas model by granting all customers, regardless of contracts, the right to choose other suppliers. I am suggesting, however, that during the comment period we give full and fair consideration to the argument that power customers with contracts lacking explicit stranded cost recovery provisions should have the same right we grant utilities to make filings seeking contract modifications regardless of *Mobile-Sierra* restrictions. I am confident that commenters will give us the benefit of their thinking on this issue.

II. Dissenting Opinion

Finally, let me turn briefly to the sole issue on which I will be dissenting in part from an otherwise exceptionally strong order. That issue involves this Commission's role and relationship with the states in making determinations with respect to stranded costs arising from retail competition and from municipalizations.

There have been full and vigorous discussions at the Commission about how to handle this issue. My goal, which the entire Commission shares, is to strike an appropriate balance that ensures the recovery of stranded costs, and ensures that the legitimate rights of states are respected. We have all struggled with these issues in good faith. I simply disagree with the majority in certain respects about how to accomplish these goals.

First, I will address retail competition. Under the NOPR, this Commission would allow filings seeking recovery of stranded costs related to retail competition only when the state regulatory commission does not have authority under state law to address stranded costs at the time retail wheeling is required.

I find this approach too narrow. I would allow such filings when the state commission lacks authority to decide the issue or when the state commission has authority but does not decide the issue. I would not second-guess the state decision, but I would not allow retail stranded costs to ''fall through the cracks'' merely because the state commission has, but does not use, authority to decide the issue.

On municipalization, the NOPR proposes making this Commission the primary forum for seeking recovery of stranded costs. The NOPR says that, if a state has allowed recovery of any stranded costs from municipalized customers, this Commission will deduct that amount from the amount we determine to be recoverable. In other words, even when states have and exercise the authority to decide the recoverability of stranded costs related to municipalization, this Commission would take over and federalize the issue.

I cannot support this approach. The Federal Power Act does not constitute this Commission as the court of appeals to challenge unsatisfactory state decisions. It is not this Commission's role to stand in judgment of policy choices and decisions lawfully made by our state counterparts.

In my judgment, the following principles should govern this Commission's approach to stranded costs arising from either retail competition or municipalization. In either case, utilities are entitled to a decision on the recoverability of such costs. It would be unfair, and would unduly jeopardize the financial health of utilities, for stranded costs to slip through because no regulatory commission provides a forum and decides the issue.

For either retail competition or municipalization, when the state commission has authority to address the issue, and uses such authority to decide the recoverability of the stranded costs, the state's decision should not be second-guessed by this Commission. However, when a state commission does not have the authority to decide the recoverability of stranded costs, or has authority but does not use it, this Commission should act on requests for stranded cost recovery.

My approach would assure utilities of getting a decision on the merits of their claim. Costs would not be stranded for lack of a regulatory decision. At the same time, this Commission would allow states to make decisions, when they have authority, on issues of critical concern to their local utilities and ratepayers. Only if states lack, or fail to use, such authority would this Commission step in to assure the utility of receiving a decision on the merits.

My views on how we should handle stranded costs arising from municipalization are influenced by the fact that, according to commenters, roughly 14 states have municipalization statutes that do in fact authorize states to deal with stranded cost issues. Arkansas, for example, has a statute enacted in 1987 that appears to give the Arkansas Public Service Commission full authority to deal with the stranded cost issue in a way that protects both the remaining customers and shareholders. It is an extensive, thoughtful statute that deals with a wide range of issues. It is, apparently, the will of the sovereign state of Arkansas that this state statute be enforced. I see no reason to yank this issue from the Arkansas Commission, or from any other state commission that has statutory authority to act.

In that vein, if this Commission were to decide the recoverability of stranded costs for either retail competition or muncipalization (because the state lacked authority or did not decide the issue), I believe we should adopt procedures allowing the affected state commissions to participate in our proceeding in a meaningful way. Specifically, I propose allowing state participation through one of the procedures specified in section 209 of the Federal Power Act.[2] These include joint state boards, joint hearings, concurrent hearings and technical conferences. I have no views at this time on which of these tools could or should be used in particular cases. The decision on which of these tools to use can be made in individual cases, as they arise. But, clearly, they are useful mechanisms for obtaining state input in proceedings involving retail competition and municipalization.

For all of these reasons, I will concur in part and dissent in part. In virtually all respects, this is an excellent order; except as I have noted, it has my wholehearted support.

William L. Massey,

Commissioner.

[FR Doc. 95–8534 Filed 4–6–95; 8:45 am]

BILLING CODE 6717–01–P

18 CFR Parts 141 and 388

[Docket No. RM95–9–000]

Real-Time Information Networks; Notice of Technical Conference and Request for Comments

March 29, 1995

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Technical Conference and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission), is issuing this notice to announce a technical conference to be scheduled at a later date, and, in preparation for that conference, to request comments on: whether real-time information networks (RINs) or some other option is the best method to ensure that potential purchasers of transmission services receive access to information to enable them to obtain open access transmission service on a non-discriminatory basis from public utilities that own and/or control facilities used for the transmission of electric energy in interstate commerce; and what

[2] 16 U.S.C. 824h (1988).

standards should be adopted if the Commission requires such public utilities to institute RINs systems.

DATES: Comments must be received on or before June 6, 1995.

ADDRESSES: Send comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Gary D. Cohen (Legal Information), Electric Rates and Corporate Regulation, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 208–0321

Marvin Rosenberg (Technical Information), Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 208–1283

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104 at 941 North Capitol Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200, or 300 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and Wordperfect 5.1 format. After 60 days, the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426.

Introduction

The Commission is considering requiring each public utility (or its agent) that owns and/or controls facilities used for the transmission of electric energy in interstate commerce to create a real-time information network (RIN) to ensure that potential purchasers of transmission services have access to information to enable them to obtain open access transmission services on a non-discriminatory basis from the public utility. This initiative is being taken in conjunction with the Commission's proposed rules, [1] today being issued, that would require public utilities to provide open access non-discriminatory transmission services (Open Access NOPR) and would permit the recovery of legitimate and verifiable stranded costs in certain circumstances.

The Commission's goal in this proceeding is to establish uniform requirements for a RIN or other communications device at the same time that the Commission adopts a rule requiring open access non-discriminatory transmission services. To accomplish this objective, the Commission invites interested persons to file comments and to participate in a Technical Conference in which they can make presentations on their positions. Thereafter, the Commission expects to hold informal conferences, enlisting working groups to reach consensus on any remaining issues.

We expect that input from the Technical Conference and informal conferences will be the basis for subsequent procedures. This notice sets a timetable to be followed so that requirements on RINS can be in place no later than the effective date of an open access rule.

Background

In the Open Access NOPR, the Commission is inviting comments on a proposed rule that would require any public utility that owns and/or controls facilities used for the transmission of electric energy in interstate commerce to have on file an open access transmission tariff.

To be effective, however, non-discriminatory open access transmission service requires transmission customers to be able to compete effectively with the public utility that owns or controls the transmission. Customers must have simultaneous access to the same information available to the transmission owner. Thus, in this proceeding, the Commission expects to require RINs or other options to ensure that potential and actual transmission service customers receive access to information so that they can obtain service comparable to that provided by transmission owners (or controllers) to themselves.

[1] See Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities & Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Notice of Proposed Rulemaking, Docket Nos. RM95–8–000 & RM94–7–001 (1995).

Discussion

A. Objectives

As noted above, the Commission expects to undertake further procedures in this docket after the Technical Conference and informal conferences are held and input from those conferences is evaluated. Nevertheless, to help participants focus on the issues, the Commission here sets out its preliminary views. Any requirement we establish must have safeguards to ensure that public utilities owning and/or controlling transmission facilities use the same procedures and meet the same substantive requirements when they arrange transmission to support their wholesale sales and purchases as are required for third parties. Further, we expect that each public utility (or a control area operator acting as its agent) that provides transmission service must, at a minimum, give its customers electronic access in real time to information on transmission capacity availability, ancillary services, scheduling of power transfers, economic dispatch, current operating and economic conditions, system reliability, and responses to system conditions.

This means that public utilities or their agents must give competitors and other users of the transmission system access to the same information available to the public utility personnel who trade (sell or purchase) power in the wholesale market, and at the same time. Moreover, this information cannot be declared privileged (and kept from competitors) if it is available to the company's own employees who trade wholesale power. Thus, if a utility wishes to keep this information confidential, it must assign control over this information to employees whose duties do not involve trading in wholesale power, and it must implement procedures to ensure that the traders do not get access to the information unless and until that information becomes public. The Commission invites parties to comment on the best way to implement these requirements in their comments and in their presentations at the Technical Conference and informal conferences.

RINs should operate under industry-wide standards; otherwise, each RIN could contain different information, have different file formats, or use different means to transfer information between utilities and customers. We are concerned that some customers (those who need transmission service across utility boundaries) might be forced to obtain information in different and perhaps incompatible environments. Efficient wholesale power markets

require that information formats not impede the ability of parties to make trades in a timely manner within and across utility boundaries. Such impediments should be eliminated, or at a minimum, reduced to the maximum extent possible.

In addition, we request comments on the following questions:

Information availability: What information should be available on a RIN? Possibilities include transmission availability data, scheduling information, information on economic dispatch, system reliability conditions, service interruptions, and other information that parties might suggest. Would a RIN be appropriate, not only to report transactions, but to conduct the transactions themselves? If so, for what kinds of transactions would this be appropriate?

RINs standards: What standard formats would be appropriate for transferring files containing specific information? What are appropriate communication protocols? How can a RIN be designed to accommodate not only today's needs, but also those in the future, such as an ability to trade power and have real-time price signals?

Attached to this notice is a Staff Discussion Paper that gives Staff's preliminary views on some of the issues that need to be addressed in this proceeding. We have attached this document to help the parties focus on pertinent issues as early in the process as possible.

B. Timetable for Comments, Technical Conference, and Informal Conferences

The Commission's experience with Order No. 636[2] and electronic bulletin boards (EBBs) in the natural gas industry[3] has taught us that when industry standards are needed, they should be established as early as possible. We wish to avoid systems being developed, and expenses being incurred, before consensus can be reached on the best way to proceed.

These same considerations also persuade us that a case-by-case approach to setting standards for electronic information transfer is inappropriate. Public utilities should not be required to invest extensive capital in a RIN or EBB that might be obsolete in the near future.[4]

We intend, therefore, to have requirements in place no later than the date when we issue any final rules on open access transmission. In this way, we hope to avoid unnecessary expenditures by public utilities.

At the Technical Conference, the Commission will focus on determining exactly what information must be made available to transmission customers and what standards are needed as to the transfer of this information on a real-time basis from transmission operators to their customers, including the public utility itself for its wholesale transactions.

The Technical Conference will be open to all interested persons. The exact date, time, and location of the Technical Conference will be announced in a subsequent notice.

To better organize the Technical Conference, interested persons are invited to submit written comments. Comments must be received on or before [insert a date 60 days following the **Federal Register** publication date]. The comments should be no more than 25 pages in length, double spaced on 8½″ x 11″ paper, with standard margins. Parties must submit fourteen (14) written copies of their comments. In addition, commenters are requested to submit a copy of their comments on a 3½ inch diskette, formatted for MS-DOS based computers. In light of our ability to translate MS-DOS based materials, the text need only be submitted in the format and version in which it was generated (*i.e.*, MS Word, Wordperfect, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and then write them to files on a diskette formatted for MS-DOS machines. The comments must be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and their caption should refer to Docket No. RM95–9–000.

All written comments will be placed in the Commission's public files and will be available for inspection or copying in the Commission's Public Reference Room (Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426), during normal business hours. The Commission also will make all comments publicly available on its EBB.

Following the Technical Conference, the Commission's Staff will promptly schedule a series of informal conferences using, as appropriate, working groups enlisting the participants at the Technical Conference.[5] The informal conferences are intended to narrow or resolve issues and to help the Commission determine what information must be made available, and what standards are needed, for the delivery of pertinent information on a real-time basis from transmission operators to their customers, including the public utility itself.

Staff will designate what working groups are to be formed, when they will meet, and what topics they will consider. Staff will work with these working groups as needed.[6] The working groups will be invited to reach consensus on the issues and report that consensus to the Commission. The working group reports should identify issues where no consensus is possible so that the Commission may take appropriate action to resolve all remaining technical issues.

By direction of the Commission.

Lois D. Cashell,

Secretary.

Staff Discussion Paper Electronic Bulletin Boards and Real-Time Information Networks

Introduction

The Commission has issued a Notice of Proposed Rulemaking, proposing non-discriminatory open access transmission services. The NOPR proposes that public utilities provide all potential wholesale transmission users, including the wholesale power marketing department of the transmission owner, simultaneous access to transmission and ancillary services. Potential customers' access to information on transmission capacity and other matters pertaining to transmission services must be made comparable to the information access

[2] Pipeline Service Obligations and Revisions Governing Self-Implementing Transportation; and Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, 57 Fed. Reg. 13,267 (April 16, 1992), III FERC Stats. & Regs. Preambles ¶30,939 (April 8, 1992); order on reh'g, Order No. 636–A, 57 Fed. Reg. 36,128 (August 12, 1992), III FERC Stats. & Regs. Preambles ¶30,950 (August 3, 1992).

[3] See Standards For Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, Order No. 563, 59 FR 516 (Jan. 5, 1994); III FERC Stats. and Regs., Regulations Preambles ¶30,988 (1993), order on reh'g, Order No. 563–A, 59 FR 23,624 (May 9, 1994); III FERC Stats. and Regs., Regulations Preambles ¶30,994, reh'g denied, Order No. 563–B, 68 FERC ¶61,002, Order No. 563–C, order accepting modifications, Order No. 563–C, 68 FERC ¶61,362 (1994).

[4] We note that there is an extensive network already in place to conduct intercompany transactions reliably. To the maximum extent possible, we intend to build on the existing institutional arrangements and ongoing efforts to help better schedule, monitor, and model transactions involving multiple control areas.

[5] The Commission made use of working groups in drafting the Commission's standards for EBBs. *See, e.g.*, Standards For Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, *Final Rule*, Order No. 563–A, 59 FR 23624 (May 9, 1994); III FERC Stats. & Regs., Regulations Preambles ¶30,994 (1994).

[6] To promote candor and productivity, Staff will set up and sponsor these meetings, but, where appropriate, will not attend the meetings while the parties discuss the issues. The parties are instructed, however, to brief Staff fully on their progress at any such meetings.

available to the power marketing department of the transmission owner and its affiliates. Staff believes that electronic communication is critical to achieving comparable access to information, which in turn is a cornerstone of comparable access to transmission service. Comparable access by customers to information as it becomes available is the key to both a successful comparable access program and competitive power markets for electricity. Rapid transfer of information between a transmitting utility's computers and those of its potential wholesale competitors is necessary to achieve these goals.

The technical conference begins the process of determining what information and procedures will be required to achieve comparable access to information. We request comments or concrete proposals that address the issues and questions raised in this paper. Areas that need to be addressed include:

- *Information Needs.* What specific information is required to ensure that all eligible parties (including the transmission owner) have comparable access to information needed to conduct wholesale power transactions over the transmission system?
- *Type of Information System.* What types of information systems are available to communicate transmission information, and which of these are most appropriate to achieve comparable access to information?
- *Standards and Systems Development.* What standard record formats should be developed to exchange information? What protocols are needed? Should regional systems, or a national system, be developed?

This paper provides short discussions of Staff's understanding of the major issues and options in these areas. Each discussion is followed by a list of questions intended to guide comments.

Information Needed for Comparability

Comparability requires that wholesale transmission customers be provided with the same information that the transmission owner or controller has about the availability and price of transmission services, and that the information be provided at the same time and cost. A customer, when making wholesale power transactions using transmission services, should have the same information the transmission owner has available to make wholesale power transactions. This includes, but is not necessarily limited to, the following types of information:

- Availability of firm and non-firm transmission services (including ancillary services), rates for these services and the amount and terms of any available rate discounts.
Information on the opportunity costs on constrained paths and the incremental cost of expansion, if known.
- Hourly transfer capacities with other interfacing control areas on a time interval corresponding to the interval that a transmission owner uses in committing its own units. For example, if the interval is weekly, hourly transfer capacities should be provided each week as the transmission owner commits its own units.
- Hourly amounts of firm and non-firm power scheduled over each of the owner's interfaces with other control areas. These quantities should be the amounts scheduled over the following hour. They should be provided at some short interval before the start of each hour (e.g., 15 minutes).
- Transmission outages, or planned and forced unit outages that may affect trans-mission availability, as they become known, as well as anticipated and actual interruptions of services.
- Load flow data that would allow customers to do their own preliminary review of incremental transfer capability to accommodate long-term transfers. Updates to load flow information should be made available to customers whenever the transmission owner updates its load flow information.
- Transaction specific information on all requests for transmission service (including requests by the transmission owner's wholesale power marketing personnel). This information should be sufficient to permit customers to evaluate the current state of transmission requests on the system and to monitor potential discrimination. This information should be provided when requests are received and updated when the status of a request changes.
- Transmission capacity available for resale by customers seeking to resell their rights to transmission service, and announcements by prospective buyers who are seeking to acquire rights to transmission service. These requests should be made available when received.

Staff believes that transmission-owning utilities have such information available in the normal course of business under today's current industry practices. We also believe this information is important for any parties using transmission services to perform wholesale power transactions. Accordingly, comparability requires that such information be made available to prospective customers and to the transmission owner's wholesale power marketing department on the same basis. However, the list is provided only as an example of our current understanding of the information. We invite comment on additional information that is needed, but not included in the list, as well as information in the list that is not needed.

Current industry practice should not be the sole standard for judging what information to consider for inclusion in information networks. Consideration should be given to likely future industry developments, and how these might affect information needs. In particular, the role of electronic information in the dispatch function may change significantly as power markets change. Future networks may need to provide for the electronic trading of power. The design of current systems should retain sufficient flexibility to accommodate these types of future developments. We invite comment on what developments might affect the design of a current information network, and how consideration of such developments might be considered in the design of today's systems.

Questions Regarding Information Needed for Comparability

1. What information about capacity availability is needed? Is this information needed with respect to interfaces with other control areas and within a single control area?

2. How often does information on available capacity need to be updated? What other information is necessary? In designing RINs requirements, what consideration should the Commission give to NERC's interest in improving and communicating the calculation of transfer capability in real-time.[1]

3. What information about transmission constraints should be included? Is it possible to develop information about anticipated constraints and their associated opportunity cost? Could information on interruptions be conveyed after a constraint has occurred?

4. Should the information include requests for transmission capacity, offers of transmission capacity (from utility and third party entitlement holders), rates and an index of entitlement holders? How often does information need to be updated? What other information is necessary to facilitate the development of a

[1] *See* Report on Electric Utilities' Response to the Cold Wave of January 1994, Report by NERC Blue Ribbon Task Force at 10 (Apr. 11, 1994).

secondary market for transmission capacity?

5. Can requests for transmission service be submitted electronically, through an EBB or an information network, rather than by telephone or FAX? What specific information is needed for electronic submission of transmission requests?

Systems for Communicating Transmission Information

Many kinds of information systems could support electronic exchange of transmission information between a transmission-owning public utility and its customers, potential customers, and the transmission owner's wholesale marketing department. But there is a tradeoff between the cost of a system and the capabilities it offers. We would like comment on the capabilities needed in a system to communicate transmission information and what type of system will best meet those needs. In order to provide technical background for this discussion, we offer the following three categories as general system types, from the simple to the more complex:

- *Electronic Bulletin Board (EBB).* One simple method of electronically communicating information is to use EBB displays. A user of this type of EBB simply connects to (logs onto) the EBB and sees the information displayed. We believe this simple type of EBB should also permit a user to post information, such as a transmission request, to the EBB.

This type of information system may be adequate for small customers who are not very active in the transmission market and who have only an occasional need for small amounts of timely information. However, as information needs increase, the method of EBB displays may become inadequate. A major disadvantage is that displayed information cannot be processed directly by the receiving party's own computer. Thus, if the receiving party wants to use this information in its own computer displays or as part of an analysis, it must enter it again. Reentering information is slow, error-prone and costly, particularly for users who need large amounts of information from several different EBBs. For this reason, even the simplest form of EBB should provide a capability that permits users to capture the information presented in the display on their computer systems.

- *EBBs with Standardized File Transfer.* A second method of communicating information is to allow users to transfer files between the EBB and the user's computer system. Downloading (transferring the file from the EBB to the user's computer system) eliminates the need to reenter information into a user's computer system when it is already present on the EBB. Uploading (transferring a file from the user's system to the EBB) permits information already present in a file on a user's computer to be sent to the EBB without manual reentry. Therefore, the capability of transferring files containing relevant information between the EBB and its users solves the data reentry problem for large and more sophisticated users.

File transfer capability also makes possible efficient processing of information from several different EBBs. Computer software can be programmed to dial each EBB automatically and to transfer files from (or to) each EBB. The user can then choose how to display the information, or process it directly in a computer program. Third parties can aggregate transmission information from multiple EBBs to provide an information service for customers who prefer to use a single EBB. Standard file formats and protocols for the transfer of information are essential for the efficient transfer of this information. Without standard formats and transfer protocols, a user must develop separate methods and programs for transferring files to and from each EBB.

- *Real-time Information Network (RIN) Connection.* This type of network permits a continuous information connection between the transmission-owning public utility and users of the transmission network. In contrast, displays and downloads are means of distributing information to users who connect intermittently to an EBB specifically to request information. Continuous connection permits a user to have all new information as soon as it becomes available, without needing to make specific requests. A user can directly monitor all new information, or use a computer program to monitor new information selectively as it becomes available. The computer program can then identify time critical information as soon as it is available and alert key company staff of the need to take action.

To a customer, a RIN means the immediate receipt of information when it becomes available. Only some customers may need information immediately, and even these customers will not need all information immediately. We believe, however, that some customers will need this type of information connection, and that the number of these customers will increase over time as markets develop and expand.

RINs would need standardized formats for information and protocols for its transfer. Such standards may be different, and more complex, than standards for file downloads and uploads. However, the development of a RIN could eliminate the need to develop separate file transfer capabilities through EBB uploads and downloads. Such networks could be designed to support both continuous connection and intermittent access using the same formats and transfer protocols.

Questions Regarding the Means of Communicating Information

6. What information is sufficiently time sensitive to require real-time transmission and receipt? What information is sufficiently unchanging and time insensitive to permit efficient transmission by request? Should the amount and timing of real-time information provided be a user option?

7. Is an EBB requirement necessary at all if transmission-owning public utilities are required to provide information to, and receive information and requests from, an information network? Would EBBs be developed voluntarily, either by utilities or third parties, if data were available through an information network?

8. What is the minimum acceptable transfer time for the network? Should it be measured in milli-seconds, seconds or minutes? Should the transfer time be a function of the information transferred?

9. Should EBBs and/or RINs be developed in several phases? If so, what phases and timing are appropriate?

10. How can the development of EBBs and RINs be made flexible enough to accommodate future information needs?

11. Should the network be developed using lines leased or can it use existing Value Added Networks (VANs)?

Standards and System Development

Standardization of information, record formats, and protocols for the exchange of information are crucial to computer-to-computer transfer of information. Without standards, each utility could develop its own file formats and protocols to govern the transfer of information. As experience with the development of EBBs in the gas industry has shown, different formats and communication methods impose significant costs on using information and provide barriers to trade across multiple companies. Moreover, once companies design their own information systems, they understandably tend to resist the imposition of generic standards. It is therefore especially important to reach consensus on what

standards should govern the operation of electronic information systems and how information systems should be developed in accordance with those standards. We would also like comment on how the cost of system development and use should be recovered.

Questions Regarding Standards and System Development

12. What standard information should be included in the datasets to be exchanged electronically? What standard definitions and units should be used for this information?

13. What standard record formats and identification codes are needed to exchange the information associated with comparable access?

14. What standard codes should be used to identify facilities, interconnection points, and other locations?

15. What standard protocol(s) should be developed to download and upload files, or to exchange information across the information network?

16. Should a regional or national information system be developed?

17. If some regional development of information systems is desirable, what regional entities should develop and maintain the system? Do these entities currently exist? If they do not exist, how should they be developed?

18. What system development and usage costs should be borne by all transmission users, and what costs should be paid for only by users of the information system?

[FR Doc. 95–8553 Filed 4–6–95; 8:45 am]
BILLING CODE 6717–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Chapter III

Review of Social Security Administration Regulations

AGENCY: Social Security Administration.

ACTION: Notice with Request for Comments.

SUMMARY: In accordance with President Clinton's memorandum of March 4, 1995 to heads of Departments and Agencies which announced a government-wide Regulatory Reinvention Initiative, we are soliciting comments on Social Security Administration (SSA) regulations which mandate burdens on States, other governmental agencies or the private sector and suggestions to reduce or eliminate any such mandated burden.

DATES: To be sure your comments are considered, we must receive them no later than May 8, 1995.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, Maryland 21235, sent by telefax to (410) 966–2830, sent by E-mail to ''regulations@ssa.gov,'' or delivered to the Division of Regulations and Rulings, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone (410) 965–1762.

SUPPLEMENTARY INFORMATION: The Regulatory Reinvention Initiative announced by the President on March 4, 1995 is designed to provide to all Americans the benefits of effective regulation while minimizing burdens on States and members of the public. The initiative is aimed primarily at regulatory agencies which impose mandatory burdens on States, other governmental entities and the private sector as part of their core business processes.

While SSA is not generally regarded as a ''regulatory agency,'' SSA does issue regulations. However, SSA regulations usually serve only to amplify Congressional direction in administering the social insurance and assistance programs for which we are responsible. While we have some program rules which may create a burden on the public in terms of forms completion or other activities concerning information collection, we generally do not impose mandatory burdens on States, other governmental entities or the private sector.

We recognize that members of the public may have a very different view of the burdens imposed by SSA regulations than the views of those who administer the programs. In the hope of obtaining the widest possible span of viewpoints, we issue this invitation for public comments on any SSA regulations which mandate actions by States, other governmental entities, or the private sector. We are requesting that the public assist us in identifying any SSA regulation which creates such a burden, along with suggested changes to lessen or eliminate the burden. We request further that commenters provide specific details regarding the regulation which imposes the burden, the nature of the burden, and the recommended solution.

We do not consider as part of this initiative SSA regulations which provide the rules we use to determine entitlement to retirement, survivors, disability insurance or supplemental security income benefits since they do not, by their very nature, impose mandatory burdens. Also, we view as outside the scope of this initiative our internal operating procedures in which members of the public do not have a direct role, including the statutory relationship under which State Disability Determination Services make disability determinations on behalf of SSA.

We do consider ''burdens'' on individuals and other segments of the public as needing our attention. However, in accord with the principles of the National Performance Review we initiated a process that allows customers to provide input on such matters. By means of focus groups, customer surveys, comment cards, and other means, we have in place a process for determining the needs of the public we serve. We will address burdens on individuals through a separate initiative to provide ''world class service'' to the public. This is a long-term project related to one of the Agency's major goals. Accordingly, we are restricting this request for comments to those SSA regulations which appear to impose mandatory burdens on States, other governmental entities, or the private sector.

Dated: April 4, 1995.

Shirley Chater,

Commissioner of Social Security.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI–33–94]

RIN 1545–AS76

Debt Instruments with Original Issue Discount; Annuity Contracts

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the