

the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, *Airspace Designations and Reporting Points*, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth*

\* \* \* \* \*

#### ASW TX E5 Laredo, TX [Revised]

Laredo International Airport, TX  
(Lat. 27°32'41" N, long. 99°27'41" W)

Laredo VORTAC  
(Lat. 27°28'44" N, long. 99°25'04" W)

Laredo, Rancho Blanco Airport, TX  
(Lat. 27°18'31" N, long. 99°28'53" W)

Laredo Auxiliary No. 2 Airport, TX  
(Lat. 27°28'33" N, long. 99°13'32" W)

That airspace extending upward from 700 feet above the surface within a 7.8-mile radius of Laredo International Airport and within 4.0 miles each side of the 328° bearing of the Laredo VORTAC extending from the 7.8-mile radius to 18.0 miles northwest of the Laredo VORTAC and within a 6.6-mile radius of Rancho Blanco Airport and within 1.6 miles each side of the 181° bearing of the Laredo VORTAC extending from the 6.6-mile radius to 12.1 miles north of the airport and within a 6.8-mile radius of Laredo Auxiliary No. 2 Airport excluding that airspace in Mexico.

\* \* \* \* \*

Issued in Forth Worth, TX, on May 11, 1995.

**Larry D. Gray,**

*Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 95–13016 Filed 5–25–95; 8:45 am]

BILLING CODE 4910–13–M

#### 14 CFR Part 71

[Airspace Docket No. 94–ASW–16]

#### Establishment of Class E Airspace; Ozona, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 feet above ground level (AGL) at Ozona Municipal Airport, Ozona, TX. The development of a Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 16 has made this action necessary. Controlled airspace extending upward from 700 feet above ground level (AGL) is needed to contain aircraft executing the SIAP. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations for aircraft executing the SIAP at Ozona Municipal Airport, Ozona, TX.

**EFFECTIVE DATE:** 0901 UTC, July 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Forth Worth, TX 76193–0530, telephone 817–222–5593.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 5, 1994, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Class E airspace at Ozona, TX, was published in the **Federal Register** (59 FR 62364). A GPS SIAP developed for Ozona Municipal Airport, Ozona, TX, requires Class E airspace. The proposal was to revise the controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Therefore, the rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes the Class E airspace located at Ozona Municipal Airport, Ozona, TX, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 16 SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, *Airspace Designations and Reporting Points*, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E Airspace Areas  
Extending Upward From 700 Feet or More  
Above the Surface of the Earth

\* \* \* \* \*

#### ASW TX E5 Ozona, TX [New]

Ozona, Ozona Municipal Airport, TX  
(lat. 30°44'06" N., long. 101°12'10" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ozona Municipal Airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on May 11, 1995.

#### Larry D. Gray,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 95-13017 Filed 5-25-95; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 2

[Docket No. RM93-19-001]

#### Inquiry Concerning the Commission's Pricing Policy for Transmission Services Provided by Public Utilities Under the Federal Power Act

Issued May 22, 1995.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; order on reconsideration and clarifying policy statement.

**SUMMARY:** The Commission in its Transmission Pricing Policy Statement, issued on October 26, 1994, announced a new policy regarding the pricing of transmission services provided by public utilities and transmitting utilities under the Federal Power Act that allows greater transmission pricing flexibility than was allowed under previous Commission policies. The Commission traditionally had allowed only postage-stamp, contract-path pricing. The Policy Statement announced that the Commission also will allow a variety of other pricing methods that may be more suitable for competitive wholesale power markets, including distance-sensitive and flow-based pricing. In response to filings by certain entities, the Commission is denying requests for reconsideration of the Policy Statement; however, the Commission is clarifying certain matters concerning non-conforming transmission pricing proposals.

**EFFECTIVE DATE:** This order is effective as of May 22, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Deborah B. Leahy, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, Telephone: (202) 208-2039, (legal issues)

Stephen J. Henderson, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, Telephone: (202) 208-0100, (technical issues)

**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 texts 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 NE., Washington, D.C. 20426.

#### Order on Reconsideration and Clarifying Policy Statement

Issued May 22, 1995.

On October 26, 1994, the Commission issued a Transmission Pricing Policy Statement.<sup>1</sup> We announced a new policy regarding the pricing of transmission services provided by public utilities and transmitting utilities under the Federal Power Act (FPA) that allows greater transmission pricing flexibility than was allowed under previous Commission policies. The Commission traditionally had allowed only postage-stamp, contract-path pricing. The Policy Statement announced that the Commission also will allow a variety of

<sup>1</sup> *Inquiry Concerning the Commission's Pricing Policy for Transmission Services Provided by Public Utilities Under the Federal Power Act*, Policy Statement, III FERC Stats. & Regs. ¶31,005 (1994); 59 FR 55031, Nov. 3, 1994. (Policy Statement).

other pricing methods that may be more suitable for competitive wholesale power markets, including distance-sensitive and flow-based pricing.

The Policy Statement identified five principles for evaluating transmission pricing proposals. The first principle is that transmission pricing should conform to the traditional embedded cost revenue requirement. However, the Commission also provided procedures whereby utilities can propose rates that do not conform to the traditional revenue requirement and thus do not meet the first principle, *i.e.*, non-conforming proposals. The second principle requires that any new transmission pricing proposal, conforming or non-conforming, must meet the Commission's comparability standard.<sup>2</sup> The remaining three principles (concerning economic efficiency, fairness, and practicality) reflect goals that an applicant must try to meet, but that may need to be balanced against one another in the Commission's determination of whether the proposed rates are just and reasonable.

On November 22, 1994, the Vermont Department of Public Service (Vermont Department) filed a request for reconsideration of the Commission's decision to treat opportunity cost pricing as a form of marginal cost pricing consistent with comparability principles. On November 23, 1994, the American Forest and Paper Association (American Forest and Paper) filed a request for rehearing and motion for reconsideration concerning several aspects of the Policy Statement. American Forest and Paper asks the Commission to replace the Policy Statement with a Notice of Proposed Rulemaking. Further, it opposes the Commission's decision to allow opportunity cost pricing and marginal

<sup>2</sup> See American Electric Power Service Corporation (*AEP*), 67 FERC ¶61,168 (1994), *reh'g pending*. The comparability standard generally provides that "[a]n open access tariff that is not unduly discriminatory or anticompetitive should offer third parties access on the same or comparable basis, and under the same or comparable terms and conditions, as the transmission provider's uses of its system." *Id.* at 61,490. The Commission explained in the Policy Statement that comparability of service applies to price as well as to terms and conditions. Policy Statement at 31,142. The Commission recently issued a Notice of Proposed Rulemaking in which it proposes to require all public utilities to have on file non-discriminatory open access transmission tariffs and provides guidance on the comparability standard. See Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Docket Nos. RM95-8-000 and RM94-7-001, Notice of Proposed Rulemaking, 60 FR 17662 (Apr. 7, 1995), IV FERC Stats. & Regs. ¶32,514 (1995) (Open Access NOPR).