DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL00–95–000 and EL00–98–000]

Order Announcing Expedited Procedures for Addressing California Market Issues

October 19, 2000.

Before Commissioners: James J. Hoecker, Chairman; William L. Massey, Linda Breathitt, and Curt Hebert, Jr.

San Diego Gas & Electric Company, Complainant, v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents; Investigation of Practices of the California Independent System Operator and the California Power Exchange.

On August 23, 2000, in the consolidated dockets listed above, the Commission issued an order initiating hearing proceedings under section 206 of the Federal Power Act [1] to address matters affecting bulk power markets and wholesale energy prices in California.[2] The Commission held the hearing in abeyance, however, pending the results of a separate staff fact-finding investigation, ordered by the Commission on July 26, 2000, of the conditions in electric bulk power markets (including volatile price fluctuations) in various regions of the country.[3] In the August 23 Order, the Commission directed staff to focus its fact-finding investigation on California and the Western region as soon as possible; the Commission stated that it intended to issue a further order in the captioned dockets after it reviews the outcome of the staff investigation related to California markets to take into account the staff investigation findings, as appropriate, and to address or further refine the issues it was setting for hearing, as appropriate.

Because of the need for expeditious action to address the serious issues affecting California electric power markets and California consumers, and to provide guidance to persons whose interests may be affected by decisions in these dockets, the Commission is taking the unusual step of announcing in advance the procedures it expects to follow over the coming weeks to move forward in these proceedings:

- On November 1, 2000, the Commission plans to hold a special meeting for purposes of considering the issuance of a proposed order in the captioned dockets that proposes specific remedies to address the issues set for hearing in the August 23 Order and that directs any further procedural steps deemed necessary or appropriate. The Commission also will place in the public record of these dockets the staff investigation report on California and the Western region.
- The Commission will give all interested persons approximately three weeks to intervene [4] and to comment on the Commission's proposed remedies or on other remedies that they believe should be adopted, and to provide any additional factual information or arguments to supplement the record. Comments filed may also address any facts or issues discussed in the staff investigation report that is placed in the public record of the captioned dockets.
- On November 9, 2000 (during the comment period on the proposed remedies), the Commission expects to hold a public conference to discuss proposed remedies. A transcript of the conference will be placed in the public record of the captioned dockets. A separate order will be issued to specify time of the conference and the manner for seeking participation in the conference.
- The transcript of the Commission's September 12, 2000 public conference conducted in San Diego, California, in Docket No. EL00–107–000, and any written comments filed in that docket, will be placed in the public record of the captioned proceedings.
- Based on the record developed in the captioned dockets, including the staff investigation report and all comments and additional facts and information placed in the record, the Commission anticipates issuing, by the end of this calendar year, an order adopting and directing remedies (to the extent those remedies are within our jurisdiction) to promptly address to the extent possible the identified problems adversely affecting competitive power markets in California and, if necessary, ordering any further proceedings to develop remedies to other identified problems.

The Commission reminds all interested persons that this is a contested, on-the-record proceeding, and that the Commission's regulations concerning ex parte communications apply. Generally, this means that no person may make any off-the-record communication to a Commissioner or to any other Commission decisional employee in this proceeding. An off-the-record communication means any communication relevant to the merits of the proceeding that, if written, is not filed with the Secretary and served on the parties or, if oral, is made without reasonable prior notice to the parties in the proceeding and without the opportunity for such parties to be present when the communication is made. *See* 18 CFR 385.2201 (2000).

By the Commission. Commissioner Hébert concurs with a statement attached.

David P. Boergers,

Secretary.

Hébert, Commissioner concurring:

I support this order because it gives the people of California an indication of the timetable for FERC action following our staff's investigation of this past summer's prices. In a democratic society, government owes citizens the duty to account for its actions and the means for them to affect policy. I would go a step further, however. Rather than wait for November 1 to release the findings of our staff's investigation, I urge the Chairman to release the completed report now. Open government requires it; fairness does as well. The people of California should have as much time as possible to digest our staff's findings and consider the options presented.

Justice Brandeis often remarked ''Sunshine is the best disinfectant.'' Let the sun shine on our staff's report. It can only help heal the raw emotions rampant in the State of California. I hope that the Commission will proceed in the right path from now on. I, therefore, concur.

Curt L. Hébert, Jr.,

Commissioner.

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[1] 16 U.S.C. 824e (1994).

[2] San Diego Gas & Electric Company, *et al.*, 92 FERC ¶ 61,172 (2000), *reh'g pending* (August 23 Order).

[3] Order Directing Staff Investigation, 92 FERC ¶ 61,160 (2000). The order directed staff to complete the investigation and report the findings to the Commission by November 1, 2000.

[4] Parties that intervened in the SDG&E complaint, Docket No. EL00–95–000, are considered to be parties in the consolidated hearing proceeding. *See* August 23 Order at 61,608.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP01–1–000]

Shell Deepwater Development Inc., et al.; Notice of Petition for Declaratory Order

October 19, 2000.

Take notice that on October 16, 2000, in Docket No. GP01–1–000, Shell Deepwater Development Inc., Shell Deepwater Production Inc., and Shell Offshore Inc. (collectively: Shell Producers) filed a petition for a Declaratory Order from the Commission finding that the services rendered through 15 offshore production complexes (see list below) are exempt

from the reporting requirements of Order Nos. 639 and 639–A,[1] for the reasons set forth in the petition. The subject petition is on file with the Commission and open to public inspection.

1. The West Delta 143 Production Complex
2. The Bullwinkle Production Complex
3. The Boxer Production Complex
4. The Enchilada (Garden Banks 128) Production Complex
5. The South Timbalier 300 Production Complex
6. The Bud Production Complex
7. The Ram-Powell Production Complex
8. The Spirit Production Complex
9. The Eugene Island 331 Production Complex
10. The Mississippi Canyon 311 Production Complex
11. The Eugene Island 158 Production Complex
12. The High Island 154 Production Complex
13. The High Island 179 Production Complex
14. The Brazos A–19 Production Complex
15. The Main Pass 290 Production Complex

The Shell Producers contend that each of the above-referenced production complexes should qualify under Order No. 639's feeder-line exemption, and that certain of these facilities should qualify under either the single-shipper or shipper-owner exemption in Order No. 639. The Shell Producers also contend that Order No. 639's single-shipper and shipper-owner exemptions require clarification, and request that the Commission find that producer participation in the Minerals Management Service's royalty-in-kind (RIK) program will not cause otherwise applicable Order No. 639 exemptions to terminate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before November 15, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27338 Filed 10–24–00; 8:45 am]

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[1] Regulations under the Outer Continental Shelf Lands Act Governing the Movement of Natural Gas on Facilities on the Outer Continental Shelf, Order No. 639, 65 FR 20354 (Apr. 17, 2000), FERC Stats. & Regs. 31,514 (2000), 91 FERC 61,019 (2000), order on reh'g, Order No. 639–A, 92 FERC 61,077 (2000).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–45–000]

Total Peaking Services, L.L.C.; Notice of Request for Exemption

October 19, 2000.

Take notice that on October 13, 2000, Total Peaking Services, L.L.C. (Total Peaking) in compliance with the Commission's September 28, 2000 order in Docket No. RM96–1–016, and pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 CFR 385.212, tendered for filing a requests for waiver of section 284.12(c)(2)(ii) of the Commission's regulations, which requires pipelines to implement imbalance netting and trading on their systems.

Total Peaking states that its shippers do not incur imbalances netting trading to avoid cash-out charges because Total Peaking does not have a cash-out mechanism.

Total Peaking states that copies of the filing have been served upon each person designated on the official service list compiled by the Secretary in Docket No. RP00–460–000, as well as any affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washingotn, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 26, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–55–000 and RP01–37–000 (Not Consolidated)]

WestGas InterState, Inc., Equitrans, L.P.; Notice of Request for Exemption

October 19, 2000.

Take notice that on October 10, 2000, WestGas InterState, Inc. (WGI), and Equitrans, L.P. (Equitrans) tendered for filing separately their petition for exemption from the imbalance trading requirements of 18 CFR 284.12(c)(2)(ii), of the Commission regulations, which requires pipelines to implement imbalance netting and trading on their systems.

WGI and Equitrans states that copies of this filing have been served on their jurisdictional customers and public bodies.

Any person desiring to be heard or to protest said filings should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 26, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

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