

to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory

Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL02-111-000]

#### Midwest Independent System Operator, PJM Interconnection, L.L.C., et al.; Notice of Settlement Conference

August 22, 2002.

Pursuant to Rule 601 of the Commission's Rules of Practice and Procedure, 18 CFR 385.601, a settlement conference in the above docketed proceeding will be held on September 5, 2002, to address the issue of eliminating rate pancaking between the Midwest ISO and PJM, as discussed in the Commission's July 31, 2002 order, 100 FERC ¶ 61,137 (paragraphs 49-52, and ordering paragraphs D and E). The conference will begin at 10 a.m. in Room 3M-2A&B at the Commission headquarters, 888 1st St., NE., Washington, DC 20426.

Steven A. Rothman, with the Commission's Dispute Resolution Service, will mediate the conference. He will be available to communicate in private with any party prior to the conference. If a party has any questions regarding the conference, please call Steven Rothman at (202) 502-8643 or send an e-mail to [Steven.Rothman@ferc.gov](mailto:Steven.Rothman@ferc.gov). Parties may also communicate with Richard Miles, the Director of the Commission's Dispute Resolution Service at 1 (877) FERC-ADR (337-2237) or (202) 502-

8702 and his e-mail address is [Richard.Miles@ferc.gov](mailto:Richard.Miles@ferc.gov).

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM01-12-000]

#### Standard Market Design Data and Software Standards; Notice of Follow-Up Staff Conference

August 22, 2002.

As announced at the July 18, 2002 Standard Market Design Data and Software Conference, the Federal Energy Regulatory Commission (Commission) will hold a follow-up conference to continue our efforts to standardize inputs and outputs for the software used to support electric grid and market operations under the Standard Market Design initiative. The conference will be held on October 3, 2002, starting at 9 a.m. at the FERC, 888 First St. NE., in Washington D.C., in the Commission Meeting Room.

The goal of the conference will be to further understand what steps are necessary to assure that the software developed to support SMD is of the highest possible quality, and is compatible and consistent across vendors and market regions. Some degree of standardization with respect to input and output data, elements and formats will be needed; however, this standardization must not constrain either competition between vendors nor innovation in software capabilities or approaches. FERC believes that we also need to develop a set of model test problems to use for testing, evaluating, and comparing electric market software products.

To this end, the conference will explore whether the work already developed for the Ontario market operations is a useful starting point, and review the process the Ontario Energy Board used to develop their standards and software. We will invite key organizations working on software issues to present status reports on their areas of focus and expertise and the status of and industry support for their efforts; this will include a discussion of whether these are the proper players and processes to move ahead. Next, we will discuss what additional steps, processes, and organizations are needed to assure that appropriate

standardization of software inputs, outputs and test problems is achieved. We will seek industry and participant agreement and commitment to these processes.

We will issue a detailed agenda for the conference, with links to relevant documents and organizations, in mid-September.

All interested parties are invited to attend. There is no registration or fee.

The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at 202-347-3700, or 800-336-6646. Transcripts will be placed in the public record ten days after the Commission receives the transcripts. Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on "FERC."

For additional information, please contact René Forsberg at 202-502-8425 or [René.Forsberg@ferc.gov](mailto:René.Forsberg@ferc.gov).

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL02-123-000]

#### **Boston Edison Company; Order Instituting Investigation and Establishing Hearing and Settlement Judge Procedures**

Issued August 22, 2002.

Before Commissioners: Pat Wood, III, Chairman; William L. Massey, Linda Breathitt; and Nora Mead Brownell.

1. On June 20, 2002, in Docket No. ER02-2127-000, Boston Edison Company (Boston Edison) submitted for filing unexecuted Service Agreements for the Town of Concord, Massachusetts Municipal Light Department (Concord) and the Town of Wellesley Municipal Light Department (Wellesley) (collectively, Towns) to take local network transmission service (LNS) pursuant to Boston Edison's open access transmission tariff (OATT). These

Service Agreements became effective on June 20, 2002.

2. As discussed below, we will institute an investigation of the reasonableness of these Service Agreements. We will establish hearing procedures but hold the hearing in abeyance pending settlement judge procedures. This order benefits customers because it allows the parties to participate in a hearing and/or settlement procedures to determine just and reasonable rates.

#### **Background**

3. Boston Edison previously has provided bundled requirements service, both generation and transmission services, to both Towns under all-requirements "S" rates, and since May 1993, such bundled service has been provided under individually negotiated agreements (Concord PPA and Wellesley PPA). These PPAs expired on May 31, 2002. Since June 1, 2002, a new supplier has provided generation service to both Towns, and they now take transmission separately from generation. Boston Edison's filing in Docket No. ER02-2127-000 proposed rates, terms and condition for LNS service to Concord and Wellesley; the Service Agreements became effective on June 20, 2002.

#### **Discussion**

4. Our preliminary analysis indicates that the Service Agreements for Concord and Wellesley may not be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Therefore, pursuant to section 206 of the Federal Power Act (FPA),<sup>1</sup> we will initiate an investigation of the reasonableness of these Service Agreements. Where, as here, the Commission initiates a section 206 investigation on its own motion, section 206(b) requires that the Commission establish a refund effective date anywhere from 60 days after publication in the **Federal Register** of notice of its intent to initiate a proceeding to 5 months after the expiration of the 60-day period. In order to give maximum protection to customers, and consistent with our precedent,<sup>2</sup> we will establish the refund date at the earliest date allowed. This date will be 60 days from the date on which notice of the initiation of the investigation is published in the **Federal Register**.

5. Section 206(b) also requires that if no final decision is rendered in the

Commission's investigation by the refund effective date or by the conclusion of the 180-day period commencing upon the initiation of a proceeding pursuant to section 206, whichever is earliest, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such a decision. Therefore, we will direct the presiding judge or settlement judge, as appropriate, to provide a report to the Commission no later than 15 days in advance of the refund effective date in the event the presiding judge or settlement judge, as appropriate, has not by that date issued an initial decision or certified to the Commission a settlement which, if accepted would dispose of the proceeding. The judge's report, if required, shall advise the Commission of the status of the investigation and provide an estimate of the expected date of issuance of an initial decision or certification of a settlement. This, in turn, will allow the Commission, on or before the refund effective date, to estimate the date when it expects to render its decision.

6. In order to provide the parties an opportunity to resolve these matters amicably, we will hold the hearing in abeyance and direct settlement judge procedures pursuant to Rule 603 of the Commission's Rules of Practice and Procedures.<sup>3</sup> If the parties desire, they may, by mutual agreement, request a specific judge as the settlement judge in this proceeding; otherwise, the Chief Judge will select a judge for this purpose.<sup>4</sup> The settlement judge shall report to the Chief Judge and the Commission within 30 days of the date of this order concerning the status of settlement discussions. Based on this report, the Chief Judge shall provide the parties with additional time to continue their settlement discussions or provide for commencement of a hearing by assigning the case to a presiding judge.

#### *The Commission Orders:*

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the

<sup>3</sup> 18 CFR 385.603 (2002).

<sup>4</sup> If the parties decide to request a specific judge, they must make their joint request to the Chief Judge by telephone at (202) 219-2500 within five days of this order. FERC's Web site contains a listing of the Commission's judges and a summary of their background and experience. ([www.ferc.fed.us](http://www.ferc.fed.us)—click on Office of Administrative Law Judges).

<sup>1</sup> 16 U.S.C. 824e (1994).

<sup>2</sup> See, e.g., Canal Electric Co., 46 FERC ¶ 61,153, reh'g denied, 47 FERC ¶ 61,275 (1989).