

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.

r. 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.

Comments, protests and interventions 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 under "e-filing" link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-3509 Filed 12-6-04; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM04-7-000]

#### Market Based Rates for Public Utilities; Supplemental Notice of Agenda for Technical Conference

December 1, 2004.

The attachment to this supplemental notice provides additional information concerning the December 7, 2004, technical conference to discuss issues associated with transmission market power and barriers to entry. (See November 12, 2004, Notice of Technical Conference.) The conference will begin at 9:30 a.m. (e.s.t.) and will conclude at approximately 5 p.m. and will be convened in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. Members of the Commission will attend the conference. All interested persons are invited to attend. Microphones will be available to enable those in the audience to participate in the discussion.

The topic of the conference will be issues associated with transmission or vertical market power, and barriers to entry in electric markets, which are two of the four prongs the Commission currently uses to determine whether to grant market-based rate authority. The conference will address whether the Commission's *pro forma* open access transmission tariff adequately mitigates transmission market power, other proposals to identify and mitigate transmission market power, as well as whether and, if so, to what extent there are other barriers to entry that the Commission should consider.

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, by phone or via satellite. Persons interested in receiving the broadcast, or who need information on making arrangements, should contact David Reininger or Julia Morelli at Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.org> and click on "FERC."

For more information about the conference, please contact Kelly Perl at 202-502-6421 or [kelly.perl@ferc.gov](mailto:kelly.perl@ferc.gov).

**Magalie R. Salas,**  
*Secretary.*

#### Technical Conference on Transmission Market Power and Barriers to Entry, December 7, 2004, 9:30 a.m.-5 p.m.

The purpose of this conference will be to discuss the second and third prongs of the Commission's assessment of an applicant's request for market-based rate authority: transmission market power and barriers to entry. Panelists will each be asked to address issues among the following in an overview prepared statement. The panelists' statements will be followed by questions and general discussion:

##### *Transmission Market Power and Transmission Barriers to Entry Questions*

1. How should transmission market power be defined? Should it be defined as merely the ownership of generation and transmission in the same relevant market?
2. Can transmission market power be used to foreclose competition or raise prices? If so, how?
3. How does transmission market power impact customer interests? For example, are prices significantly higher than they would have been without transmission market power? Is access to cheaper sources of supply limited? Is flexibility to respond to changing market conditions impaired?
4. How does transmission market power impact power supplier interests? For example, is power plants' energy production constrained by the exercise or suspected exercise of transmission market power?
5. What challenges do owners of uncommitted capacity face in securing long term power contracts or selling power on a short term basis?
6. How does the existence of long term and evergreen firm transmission contracts affect power supplier entry?
7. How important a factor is transmission congestion in the production, scheduling and consumption of power? To what degree can transmission congestion be attributed to physical transmission constraints and what degree to the exercise of transmission market power? How can the Commission distinguish between these two?
8. How can the Commission differentiate between the exercise of transmission market power from legitimate reliability-driven denials of access?
9. Do instances exist where transmission unavailability has led to the abandonment of plans to either build or expand generating capacity or to contract with a merchant supplier?
10. Does the Commission's *pro forma* open access transmission tariff adequately mitigate transmission market power? If not, specify whether there are ways the tariff could be modified or better enforced to achieve this goal.
11. Is it possible to eliminate or mitigate transmission market power apart from structural remedies? If so, how, and are there ways to do it apart from the OATT?

12. Can analytical tools to assess transmission market power be developed to screen out behavior motivated by legitimate business interests and direct the Commission's attention to areas where transmission market power is more likely to be exercised?

13. Does the existence of significant transmission constraints constitute a barrier to entry that should be considered in authorizing market-based rates for a transmission provider?

#### *Non-Transmission Barriers to Entry Questions*

1. Can the lack of competition in fuel or other inputs constrain entry in the generation business? If so, how?

2. Can monopolization or attempted monopolization of future generating sites be a significant barrier to entry in generation? If so, how, and what can be done to remedy this problem?

3. Have financial constraints, such as access to capital or creditworthiness issues, been a serious barrier to entry in generation, or any other aspect of the electric power business?

4. Are there other barriers to entry the Commission should consider in granting market based rates? If so, how should the Commission test for the extent of harm to customers of competitors associated with such barriers?

5. Does the lack of an adequate competitive solicitation program by a utility that has monopsony power constitute a barrier to entry?

[FR Doc. E4-3510 Filed 12-6-04; 8:45 am]

**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Docket No. RP04-360-000]

#### **Martimes and Northeast Pipeline, LLC; Notice of Informal Settlement Conference**

November 30, 2004.

Take notice that an informal settlement conference will be convened in this proceeding at 9:30 a.m. (e.s.t.) on Friday, December 3, 2004, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Arnold H. Meltz at (202) 502-

8649 or Moira B. Notargiacomo at (202) 502-8083.

**Magalie R. Salas,**

*Secretary.*

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**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **Notice of Ferc Staff Attendance at Various MISO-Related Meetings**

December 1, 2004.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the following meetings involving the Midwest Independent Transmission System Operator, Inc. (MISO), noted below:

Organization of MISO States Annual Meeting—December 9, 2004, 10:30 a.m.–3 p.m. (e.s.t.). Lakeside Conference Center (directly across from MISO's headquarters), 630 West Carmel Drive, Carmel, IN 46032.

MISO Advisory Committee Meetings (Wednesdays, 10 a.m.–4 p.m.) and MISO Board of Directors Meetings (Thursdays, 8:30 a.m.–9:45 p.m.):

January 19–20, 2005;

February 16–17, 2005;

March 16–17, 2005;

April 20–21, 2005;

May 18–19, 2005;

June 15–16, 2005;

July 20–21, 2005;

August 17–18, 2005;

September 14–15, 2005;

October 19–20, 2005;

November 16–17, 2005;

December 7–8, 2005.

Advisory Committee meetings are held at: Lakeside Conference Center (directly across from MISO's headquarters), 630 West Carmel Drive, Carmel, IN 46032.

The Board of Directors meetings are held at: 701 City Center Drive (MISO Headquarters), Carmel, IN 46032.

The discussions may address matters at issue in the following proceedings:

Docket No. ER04-691 and EL04-104, Midwest Independent Transmission System Operator, Inc., *et al.*;

Docket No. EL02-65-000, *et al.*,

Alliance Companies, *et al.*;

Docket No. RT01-87-000, *et al.*,

Midwest Independent Transmission System Operator, Inc.;

Docket No. ER03-323, *et al.*, Midwest Independent Transmission System Operator, Inc.;

Docket No. ER03-1118, Midwest Independent Transmission System Operator, Inc.;

Docket No. ER04-375, Midwest Independent Transmission System Operator, Inc., *et al.*;

Docket Nos. EL04-43 and EL04-46, Tenaska Power Services Co. and Cargill Power Markets, LLC v. Midwest Independent Transmission System Operator, Inc.

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission at (317) 249-5937 or [patrick.clarey@ferc.gov](mailto:patrick.clarey@ferc.gov), or Christopher Miller, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission at (317) 249-5936 or [christopher.miller@ferc.gov](mailto:christopher.miller@ferc.gov).

**Magalie R. Salas,**

*Secretary.*

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**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **Notice of FERC Staff Attendance at Meetings of Southwest Power Pool Board of Directors and Members Committee and Meeting of Southwest Power Pool Regional State Committee**

December 1, 2004.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool (SPP) Board of Directors and Members Committee noted below, and the meeting of the SPP Regional State Committee noted below. The staff's attendance is part of the Commission's ongoing outreach efforts.

SPP Regional State Committee Meeting—

January 24, 2005, 1 p.m. –5 p.m. (c.s.t.)

Sam's Town Casino Hotel and Convention Center, 315 Clyde Fant Parkway, Shreveport, LA 71101, (318) 429-6859.

SPP Board of Directors and Members Committee Meeting—December 14, 2004, 10:30 a.m.–3 p.m. (c.s.t.)

DFW Airport Hyatt, Dallas, Texas, (972) 453-1234.

SPP Board of Directors and Members Committee Meeting—January 25, 2005, 9 a.m.–3 p.m.

Sam's Town Casino Hotel and Convention Center, 315 Clyde Fant Parkway, Shreveport, LA 71101, (318) 429-6859.

The discussions may address matters at issue in the following proceedings:

Docket Nos. RT04-1-000 and ER04-48-000, *Southwest Power Pool, Inc.*

Docket No. ER04-833-000, *Southwest Power Pool, Inc.*