

Danelle Perkowski or David Reininger at 703-993-3100.

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For more information about the conference, please contact Mary Cain at (202) 502-6337 ([mary.cain@ferc.gov](mailto:mary.cain@ferc.gov)) or Sarah McKinley at (202) 502-8004 ([sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov)).

**Magalie R. Salas,**  
Secretary.

### Appendix A—Second Technical Conference on Electric Reliability Standards; Reliability Standards; States Role in Reliability; Compliance and Enforcement of Standards Agenda

December 9, 2005.

9:30 a.m.—Opening Remarks

Joseph Kelliher, Commission Chairman.

9:45 a.m.—Introductions

Joseph McClelland, Director, Division of Reliability, Office of Markets, Tariffs, and Rates, Commission.

10 a.m.—Panel I: Establishing and Processing Electric Reliability Standards.

The Energy Policy Act of 2005 (EPAct 2005) authorizes the Commission to approve standards that provide for reliable operation of the bulk power system and to remand those that do not.

The panelists will provide insight into the following questions:

- What criteria should be used to determine reliability standards?
- How should “best practices” be incorporated into developing reliability standards?
- What process should the Commission use in evaluating reliability standards?
- What are the implications for the Electricity Reliability Organization (ERO) if a reliability standard is remanded?
- What process should be used by the ERO for handling remanded reliability standards?
- How are entities such as distribution providers, load serving entities, generator owners, generator operators, etc. covered by the reliability standards approved by the Commission?

Participants:

Natural Resources Canada (invited).

Energy Regulatory Commission Mexico (invited).

North American Electric Reliability Council (invited).

ISO/RTO Council (invited).

North American Energy Standards Board (invited).

Electric Power Supply Association (invited).

11:15 a.m.—Break.

11:30 a.m.—Panel II: State and Provincial Role in Reliability.

EPAct 2005 states that it does not preempt the authority of any state to take action

to ensure the safety, adequacy, and reliability of electric service within that state, as long as such action is not inconsistent with any reliability standard. It also directs the Commission to establish a regional advisory body of at least two-thirds of the states within a region petition. A regional advisory body shall be composed of one member from each participating state in the region, appointed by the Governor of each state, and may include representatives of agencies, states, and provinces outside the United States.

The panelists will provide insight into the following questions:

- What role should states and provinces play with regard to reliability standards?
- How should the Commission receive input for approval of reliability standards from the states, provinces, Regional Entities, and ERO?
- What test should the Commission use to determine whether a state-developed rule conflicts with reliability standards?
- When should Regional Advisory Bodies be convened and for what purpose?
- What role should the states, provinces, Regional Entities, ERO, and the Commission play in determining resource adequacy?

Participants:

Florida Public Service Commission (invited).

New York Public Service Commission (invited).

Western Governors Association (invited).

Alberta Department of Energy (invited).

National Association of Regulatory Utility Commissioners (invited).

Southwest Power Pool Regional State Committee (invited).

National Association of State Utility Consumer Advocates (invited).

Organization of Midwest ISO States (invited).

1 p.m.—1:45 p.m.—LUNCH

1:45 p.m.—Panel III: Compliance and Enforcement.

EPAct 2005 gives the ERO the power to enforce reliability standards with penalties for violation of standards approved by the Commission, and to file notice and record of the proceeding with the Commission. Penalties shall be subject to review by the Commission. The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

The panelists will discuss the following questions:

- What process should be used to monitor reliability standards compliance and determine violations?
- How should the ERO coordinate and oversee the regional entities' compliance efforts?
- How should penalties be determined? How should violations be disclosed?
- What data should the Commission and the ERO collect to enforce reliability standards?

- Should there be different levels of penalties for different types of reliability standards?
- How do self-regulatory organizations assure compliance, conduct investigations, and coordinate enforcement with federal agencies?

Participants:

North American Electric Reliability Council (invited).

Institute for Nuclear Power Operation (invited).

U.S. Securities and Exchange Commission (invited).

National Association of Securities Dealers (invited).

Edison Electric Institute (invited).

3 p.m.—Closing Remarks.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

### Records Governing Off-the-Record Communications; Public Notice

December 1, 2005.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the

document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be

viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866)208-3676, or for TTY, contact (202)502-8659.

Docket No.	Date received	Presenter or requester
<i>Prohibited:</i>		
1. ER03-563-030 .....	11-9-05 .....	Alice & David Cornish. Elizabeth Wright. <sup>1</sup>
2. Project Nos. 2539-000 and 12522-000 .....	11-15-05 .....	
<i>Exempt:</i>		
1. PF05-14-000 .....	11-16-05 .....	Amy Davis. Peter Goode. Nancy Kochan. Nancy Kochan. Hon. Orrin G. Hatch. Kirk E. Ranzetta. Sarah Kulpa. Sarah Kulpa.
2. Project No. 459-128-000 .....	11-28-05 .....	
3. Project Nos. 2111-000, 2071-000 and 935-000 .....	11-16-05 .....	
4. Project Nos. 2153-000 .....	11-16-05 .....	
5. Project No. 2219-000 .....	11-22-05 .....	
6 Project No. 2630-000 .....	11-16-05 .....	
7 Project Nos. 9185-009 and 9184-013 .....	11-22-05 .....	
8 Project Nos. 9185-009 and 9134-013 .....	11-25-05 .....	

<sup>1</sup> One of five postcard submittals filed in Project Nos. 2539-000 and 12522-000 between November 15, 2005 and November 30, 2005.

Magalie R. Salas,  
Secretary.

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM06-7-000]

**Proposed Amendments to Blanket Construction Certificates; Notice of Petition for Rulemaking**

December 5, 2005.

On November 22, 2005, the Interstate Natural Gas Association of America and the Natural Gas Supply Association filed a petition under § 385.2087(a) of the Commission's regulations seeking a rulemaking to make certain regulatory and policy changes that they contend will improve the ability of the natural industry to ensure the adequacy of the interstate pipeline infrastructure.

Specifically, the petition seeks a rulemaking to eliminate the exclusion of mainline expansions, underground storage enhancements, and LNG take-away facilities from blanket eligibility under § 157.202(b)(2)(ii)(C) and (D) of the Commission's regulations. They also request that the Commission revise the blanket dollar limits under § 157.208(d) of the Commission's regulations to reflect updated project development and construction costs. Finally, they ask that the Commission issue a policy statement or rule to clarify that it would not constitute undue discrimination for

a project's "foundation shippers" to receive favorable rate treatment compared with other shippers in the same project.

The Commission has not yet determined whether the public interest would be served by conducting the rulemaking proposed by the petitioners and, in its discretion, brings this petition to the attention of the public. This notice is not a notice of proposed rulemaking, but merely provides the public with an opportunity to comment in writing on the question of whether the Commission should take further action on the petition. Any person desiring to be heard with reference to the petition should file comments on or before January 17, 2006.

The petition is on file with the Commission and open to public inspection at the Commission's Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The Commission strongly encourages electronic filings of comments via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

Nora E. Donovan,  
Management Analyst.

[FR Doc. E5-7100 Filed 12-8-05; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6670-02]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared pursuant to the Environmental Review Process (EDP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (97 FR 27647).

**Draft EISs**

*EIS No. 20050348, EDP No. D-NPS-L65492-WA, Bey's Landing National Historical Reserve General Management Plan, Implementation, Town of Coupeville, Island County, WA.*

*Summary:* EPA does not object to the proposed project; however, EPA did request clarification of future environmental monitoring activities. Rating LO.

*EIS No. 20050382, EDP No. D-BIA-F60008-WI, Menominee Casino-Hotel 223-Acre Fee-to-Trust Transfer and Casino Project, Implementation, Federal Trust, Menominee Indian Tribe of Wisconsin (Tribe), in City of Kenosha and County of Kenosha, WI.*

*Summary:* EPA expressed environmental concerns about general