

publicly-held company's subsidiaries with market-based rate authorization, and, therefore, those market-based rate subsidiaries will not be required to file a notification of change in status or to include generation or inputs to generation owned or controlled by the other entities in future market power analyses.

In light of the issues raised by EPSA, participants are invited to address some or all of the following questions:

1. Should the Commission reconsider its decision in *FPA Section 203 Supplemental Policy Statement*, 120 FERC ¶ 61,060 (2007) not to rely solely on a Schedule 13G filing as evidence of a lack of control and instead to consider the totality of the facts and circumstances on a case-by-case basis? If so, why?

2. How does compliance with the intent to not exercise control for purposes Schedule 13G address the Commission's concerns under section 203 of the FPA and the Commission's market-based rate program?

3. What statutory and policy purposes is a Schedule 13G filing intended to fulfill under the SEC's regulatory program and how do they compare with the statutory and policy purposes of section 203 of the FPA and the Commission's market-based rate program under sections 205 and 206 of the FPA? Are the SEC and this Commission seeking to fulfill fundamentally different goals with respect to an entity's possible exercise of control, such that the Commission's reliance on the SEC's Schedule 13 filing requirements would be insufficient to help protect against the potential exercise of control as relevant to the Commission's concerns under sections 203, 205 and 206 of the FPA? If the answer to the prior question is yes, that reliance on the Schedule 13 filing requirements are insufficient, what if any additional filings or requirements might supplement the Schedule 13 requirements in this regard?

4. What actions can an investor take with respect to the management, operation or policies of a company in which it holds an investment and still be considered eligible to file a Schedule 13G? To what extent could taking any of those actions directly or indirectly in some way affect some aspect of the day-to-day operation of a public utility in which the investor holds an interest, either directly or through a holding company?

5. Using EPSA's hypothetical example shown on page 9 of the Petition, how far upstream should a seller go when determining whether an entity is an affiliate?

6. Using EPSA's hypothetical example shown on page 9 of the Petition, which of the IPPs should be considered to be under common control, and therefore affiliates, under the Commission's regulations?

7. Should a finding under FPA section 203 that an entity does not "control" another entity apply equally in the market-based rate setting? Conversely, should a finding under section 203 that an entity does "control" another entity necessarily apply equally in the market-based rate setting? If not, under what conditions or circumstances would the Commission have a reasonable basis to conclude that the same finding should not apply in the market-based rate setting?

a. For example, if an upstream owner has been found to not have control for section 203 purposes over two large IPPs in the same relevant market, should the IPPs be required to study one another's generation for purposes of their individual horizontal and vertical market power analyses? Would the IPPs remain unaffiliated?

b. If the upstream owner has control over both IPPs for section 203 purposes, should the IPPs be required to study one another's generation for purposes of their individual horizontal and vertical market power analyses?

8. Should the Commission revise its requirements under FPA section 203 and the market-based rate program, in light of the concern raised by EPSA that electric utilities may not know when their upstream owners acquire ownership interests in other electric utilities? If so, what changes can both address these concerns and still permit the Commission to carry out its responsibilities under sections 203 and 205 of the FPA?

All interested persons are invited to participate in this workshop. Those interested in participating are asked to register no later than November 28, 2008. To register or for additional information, please contact Christina Hayes at (202) 502-6194 or at [christina.hayes@ferc.gov](mailto:christina.hayes@ferc.gov).

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP08-463-000]

#### CenterPoint Energy Gas Transmission Company; Notice of Application

November 20, 2008.

Take notice that on August 19, 2008, CenterPoint Energy Gas Transmission Company (CenterPoint), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP08-463-000, an abbreviated application pursuant to section 7 of the Natural Gas Act, seeking authorization (1) to transfer a passive ownership interest in its Line CP-3 and to leaseback Line CP-3 from the passive owner, and (2) to grant CenterPoint certificate authorization to operate a 600-foot non-jurisdictional pipeline and metering facilities that will be leased from the same passive owner as part of its jurisdictional pipeline system.

The application is on file with the Commission and open for public inspection. This application is 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.

Any questions regarding this abbreviated application may be directed to Lawrence O. Thomas, Director—Rate & Regulatory, CenterPoint, at (318) 429-2804, P.O. Box 21734, Shreveport, Louisiana 71151.

There are two ways to become involved in the Commission's review of CenterPoint's request. First, any person wishing to obtain legal status by becoming a party to this proceeding should, on or before the comment date listed below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of this filing and all subsequent filings made with the

Commission and must mail a copy of all filing to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, other persons do not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to CenterPoint's request. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to this project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only in support of or in opposition to CenterPoint's request should submit an original and two copies of their comments to the Secretary of the Commission. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions 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.

*Comment Date:* November 26, 2008.

**Kimberly D. Bose,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13203-000]

#### FFP Missouri 22, LLC; Notice of Preliminary Permit Applications Accepted for Filing and Soliciting Comment, Motions To Intervene, and Competing Applications

November 20, 2008.

On April 22, 2008, FFP Missouri 22, LLC each filed an application, pursuant to section 4(f) of the Federal Power Act,

proposing to study the feasibility of the Missouri River 22 Project, to be located on the Missouri River in Saline, Chariton, and Carroll Counties, Missouri.

The proposed Missouri River 22 Project consists of: (1) 7,560 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 151.2 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Missouri 22, LLC, project would have an average annual generation of 662.26 gigawatt-hours and be sold to a local utility.

*Applicant Contact:* Mr. Dan Irvin, FFP Missouri 22, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

*FERC Contact:* Robert Bell, (202) 502-6062.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13203) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13129-000; Project No. 13143-000; Project No. 13284-000]

#### NM Hydroelectric Power, LLC, Peterson Machinery Sales, Grand Traverse County and the City of Traverse City, MI; Notice of Competing Preliminary Permit Applications Accepted for Filing and Soliciting Comment, Motions To Intervene, and Competing Applications

November 20, 2008.

NM Hydroelectric Power, LLC (NMHP), Peterson Machinery Sales (PMS) and jointly by Grand Traverse County and the City of Traverse City, Michigan filed applications, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Sabin Dam and Boardman River Projects Project, to be located on the Boardman River, in Grand Traverse County, Michigan. The proposed project facilities are owned by Traverse City Light and Power Company.

The proposed Sabin Dam and Boardman River Projects:

The proposed Sabin Dam Project by NM Hydroelectric Power, LLC for Project No. 13129 filed on February 27, 2008 would consist of: (1) The existing 200-foot-long, 20-foot-high earthen Sabin Dam; (2) an existing reservoir having a surface area of 40 acres and a storage capacity of 340 acre-feet and normal water surface elevation of 611.9 feet National Geographic Vertical Datum (NGVD); (3) an existing powerhouse containing one new generating unit having an installed capacity of 500 kilowatts; (4) an existing 7-mile-long, 12.5 kilovolt transmission line; and (5) appurtenant facilities. The proposed Sabin Dam Project would have an average annual generation of 2.58 gigawatt-hours.

The proposed Boardman River Project by Peterson Machinery Sales would consist of the following three developments:

#### Sabin Dam Development

(1) The existing 200-foot-long, 20-foot-high earthen Sabin Dam; (2) an existing reservoir having a surface area of 40 acres and a storage capacity of 340 acre-feet and normal water surface elevation of 613.5 feet National Geographic Vertical Datum (NGVD); (3) an existing powerhouse containing one new generating unit having an installed capacity of 500 kilowatts; (4) an existing 1,000-foot-long, 13.8 kilovolt transmission line; and (5) appurtenant