

requirement has occurred. A compliance audit team should not consider or discuss whether a monetary penalty or some other sanction would be appropriate if the Regional Entity finds that the registered entity has violated the requirement. Nor should a compliance audit team base its decision regarding whether evidence of a violation exists upon the resources or time needed for litigation or settlement of a related notice of alleged violation.<sup>9</sup> The Commission would look with disfavor on the conclusions of a compliance audit that is based in any way on these considerations.

11. We emphasize that NERC and Regional Entities need to be as consistent as possible about the level of evidence or documentation that is needed to demonstrate compliance for particular requirements.

12. A compliance audit conducted by NERC or a Regional Entity should include an assessment of the registered entity's Reliability Standards compliance program. We suggest that NERC and the Regional Entities discuss how NERC's audit guidelines and audit data requests and questionnaires could better elicit information on the factors discussed in our recent Policy Statement on Compliance.<sup>10</sup>

13. If an audit team learns about a situation that does not appear to involve a current or ongoing violation of a Reliability Standard requirement, but instead represents an area of concern that could become a violation, we expect the team to notify the registered entity of the situation, discuss it with the entity, and document such discussions in the compliance audit report. We remind audit teams that they are expected to fully test compliance with any non-actively monitored standard if the teams find evidence during the audit of non-compliance with such a standard.<sup>11</sup>

14. We believe implementation of this guidance will improve the consistency of compliance audits relating to Reliability Standards and result in greater compliance with them.

By the Commission.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-2527 Filed 2-5-09; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>9</sup> This separation of roles is consistent with our own staff's practice. See *2008 Report on Enforcement at 26-27*.

<sup>10</sup> *Compliance with Statutes, Regulations, and Orders*, 125 FERC ¶ 61,058 (2008).

<sup>11</sup> See NERC Rule of Procedure 401.6 and CMEP section 3.1.4.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-51-000]

#### Natural Gas Pipeline Company of America LLC; Notice of Request Under Blanket Authorization

January 29, 2009.

Take notice that on January 22, 2009, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in Docket No. CP09-51-000, an application pursuant to sections 157.205, 157.208, 157.211 and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) as amended, to construct, install, own, operate, and maintain facilities necessary to deliver natural gas to the Southwest Louisiana Lateral (Southwest Loop), which is partially owned by Transcontinental Gas Pipe Line Corporation (Transco), and to Bridgeline Holdings, L.P. (Bridgeline), both located in Johnson Bayou, Cameron Parish, Louisiana, under Natural's blanket certificate issued in Docket No. CP82-402-000,<sup>1</sup> all as more fully set forth in the application which is on file with the Commission and open to the public for inspection.

Natural proposes to construct, install, own, operate, and maintain a metering platform, dual metering facilities, taps, and such other appurtenant facilities required to effect the interconnects to deliver up to 200,000 Dth/day of natural gas to the Southwest Loop or to deliver up to 200,000 Dth/day of natural gas to Bridgeline. Natural states that it would cost an estimated \$11,900,000 to construct the proposed facilities.

Any questions concerning this application may be directed to Bruce H. Newsome, Vice President, Regulatory Products and Services, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515-7918, or via telephone at (630) 725-3070, or by e-mail [bruce\\_newsome@kindermorgan.com](mailto:bruce_newsome@kindermorgan.com).

This filing is available for review at the Commission 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 filed to access the document. For assistance, please contact FERC Online Support at FERC [OnlineSupport@ferc.gov](mailto:OnlineSupport@ferc.gov) or call toll-free at (866) 206-3676, or, for TTY, contact

<sup>1</sup> 20 FERC ¶ 62,415 (1982).

(202) 502-8659. 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 the "e-Filing" link. The Commission strongly encourages intervenors to file electronically.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

**Kimberly D. Bose,**

Secretary.

[FR Doc. E9-2523 Filed 2-5-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR08-17-000]

#### Bay Gas Storage Company, Ltd.; Notice of Staff Panel

January 30, 2009.

Take notice that the Commission will convene a staff panel in the above-referenced proceeding on Thursday, February 26, 2009, at 9:30 a.m. (EDT), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This Staff Panel will review the factual basis for Bay Gas's 2008 annual adjustment to its Lost And Unaccounted For (LAUF) gas tracker/true-up mechanism. A previous Commission Order in this docket, 126 FERC ¶ 61,018 (January 12, 2009), ordered this Staff Panel to gather evidence in order to determine whether the updated LAUF recovery percentages reflected in Bay Gas's petition are fair and equitable.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free