

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

(866) 208-3372 (voice) or 202-502-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Vince Mareino at (202) 502-6167 or e-mail [Vince.Mareino@ferc.gov](mailto:Vince.Mareino@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-2525 Filed 2-5-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP08-591-000]

#### Equitrans, L.P.; Notice of Technical Conference

January 30, 2009.

Take notice that Commission Staff is rescheduling the technical conference in the above-referenced proceedings, which was previously set to take place on Wednesday, January 28, 2009, to Thursday, February 5, 2009 at 10 a.m. (EST), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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 (866) 208-3372 (voice) or (202) 502-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Anna Fernandez at (202) 502-6682 or e-mail [Anna.Fernandez@ferc.gov](mailto:Anna.Fernandez@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-2524 Filed 2-5-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Interconnection of the Proposed Deer Creek Station Energy Facility Project, South Dakota

**AGENCY:** Western Area Power Administration, U.S. Department of Energy.

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement and to conduct scoping meetings; Notice of floodplain and wetlands involvement.

**SUMMARY:** The Western Area Power Administration (Western), an agency within the U.S. Department of Energy (DOE), intends to prepare an environmental impact statement (EIS) for the interconnection of the proposed Deer Creek Station Energy Facility (Project) in South Dakota, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, DOE NEPA Implementing Procedures (10 CFR 1021), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508). Basin Electric Power Cooperative (Basin Electric) has requested to interconnect the proposed Project to Western's power transmission system. The EIS will address Western's Federal action of whether to allow interconnection at its White Substation, and to make any necessary modifications to Western facilities to accommodate the interconnection. The EIS will also review the potential environmental impacts of constructing, operating, and maintaining Basin Electric's proposed Project, which includes a 300 megawatt (MW) combined-cycle natural gas generation facility and associated electric, natural gas, and water lines that would be constructed east of White in Brookings and Deuel counties, South Dakota. Portions of Basin Electric's proposed Project may affect floodplains and wetlands, so this Notice of Intent also serves as a notice of proposed floodplain or wetland action, in accordance with 10 CFR 1022.12 (a). Western will hold a public scoping meeting near the Project area to share information and receive comments and suggestions on the scope of the EIS.

**DATES:** An open-house public scoping meeting will be held on February 24, 2009, in White, South Dakota, from 6 p.m. to 9 p.m. CST. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue through April 7, 2009. To be assured of consideration, all fax or e-mail comments or suggestions regarding the appropriate scope of the EIS must be received by the end of the scoping period. Mailed comments must be postmarked no later than midnight on the last day of the scoping period.

**ADDRESSES:** The open-house public scoping meeting will be held at the following location starting at 6 p.m. CST.: February 24, 2009, McKnight Community Hall, 228 West Main Street, White, SD 57276.

Written comments on the scope of the EIS should be addressed to the following: Mr. Matt Marsh, NEPA Document Manager, Western Area

Power Administration, Upper Great Plains Customer Service Region, P.O. Box 35800, Billings, MT 59107-5800, fax (406) 247-7408, or e-mail [DeerCreekStationEIS@wapa.gov](mailto:DeerCreekStationEIS@wapa.gov).

**FOR FURTHER INFORMATION CONTACT:** For information on the proposed Project, the EIS process, and general information about interconnections with Western's transmission system, contact Mr. Marsh at the address provided above. Parties wishing to be placed on the Project mailing list for future information, and to receive copies of the Draft and Final EIS when they are available, should also contact Mr. Marsh.

For general information on DOE NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC-20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586-4600 or (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** Western, an agency within DOE, markets Federal hydroelectric power to preference customers, as specified by law. These customers include municipalities, cooperatives, public utilities, irrigation districts, Federal and State agencies, and Native American Tribes in 15 western states, including South Dakota. Western owns and operates about 17,000 miles of transmission line.

Basin Electric is a regional wholesale electric generation and transmission cooperative owned and controlled by its member cooperatives. Basin Electric serves approximately 2.5 million customers covering 430,000 square miles in portions of nine states, including Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming.

#### Project Description

Basin Electric has requested interconnection with Western's electric transmission system at White Substation, located in Brookings County, South Dakota. Western's Federal action is to consider Basin Electric's interconnection request under Western's Open Access Transmission Service Tariff and make a decision whether to approve or deny the interconnection request. If the decision is to approve the request, Western's action would include making necessary system modifications to accommodate the interconnection of Basin Electric's proposed Project.

Basin Electric's proposed Project is to construct, own, operate, and maintain the Deer Creek Station Energy Facility Project, a 300 MW combined-cycle natural gas generation facility, water