

subject to this provision. In the event that a Customer under schedules its resources to meet its load, resulting in a difference between resources and actual metered load (adjusted for transformer losses as applicable) outside the authorized bandwidth for Energy Imbalance Service for any hour, then such Customer is subject to the following penalty:

**CAPACITY OVERRUN PENALTY:** For each hour during which energy flows outside the authorized bandwidth, the Customer will be obliged to purchase such energy at the following rates:

| Months associated with charge                          | Rate per kilowatt |
|--|-------------------|
| March, April, May, October, November, December .....   | \$0.15            |
| January, February, June, July, August, September ..... | 0.30              |

**Unauthorized Use of Energy Imbalance Service by Overscheduling of Resources:** In the event that a Customer schedules greater resources than are needed to meet its load, such that energy flows at rates beyond the authorized bandwidth for the use of Energy Imbalance Service, Southwestern retains such energy at no cost to Southwestern and with no obligation to return such energy. Customers whose resources are scheduled by Southwestern are not subject to this provision.

**Application of Charge for Interconnection Facilities Service:** Any Customer that requests an interconnection from Southwestern which, in Southwestern's sole judgment and at its sole option, does not provide commensurate benefits or compensation to Southwestern for the use of its facilities shall be assessed a capacity charge for Interconnection Facilities Service. For any month, charges for Interconnection Facilities Service shall be assessed on the greater of (1) that month's actual Peak Demand, or (2) the highest Peak Demand recorded during the previous eleven months, as metered at the interconnection. The use of Interconnection Facilities Service will be subject to power factor provisions as specified in this rate schedule. The interconnection customer shall also schedule and deliver Real Power Losses pursuant to the provisions of this Rate Schedule based on metered flow through the interconnection where Interconnection Facilities Services is assessed.

**Rate for Interconnection Facilities Service:** The monthly capacity charge for Interconnection Facilities Service: \$1.18 per kilowatt

**Requirements Related to Power Factor:** Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than 95 percent and will be subject to the following provisions.

**Determination of Power Factor:** The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = kWh \div \sqrt{(kWh^2 + rkVAh^2)},$$

with the factors defined as follows:

PF = the power factor for any Demand Period of the month.

kWh = the total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection.

rkVAh = the total quantity of reactive kilovolt-ampere-hours (kvars) delivered during such Demand Period to the point of delivery or interconnection.

**Power Factor Penalty and Assessment:** The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (.95 - LPF) \times \$0.10$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the Determination of Power Factor "PF" is calculated to be less than 95 percent lagging.

D = The Customer's demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula "PF" for such Demand Period.

If C is negative, then C = zero (0).

**Application of Power Factor Penalty:**

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges "C" for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to a single physical point of delivery or to multiple physical points of delivery where a Customer has a single, electrically integrated load served through multiple points or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer's and Southwestern's systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately assesses the detrimental impact on Southwestern's system when the above formula is calculated for a single physical point of delivery or for a combination of physical points or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive power factor penalties when, in Southwestern's sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

**UNITED STATES DEPARTMENT OF ENERGY SOUTHWESTERN POWER ADMINISTRATION**

**RATE SCHEDULE EE-09<sup>1</sup> WHOLESALE RATE FOR EXCESS ENERGY**

**Effective:** During the period January 1, 2010, through September 30, 2013, in accordance with Rate Order No. SWPA-62 issued by the Deputy Secretary of Energy on December 30, 2009.

**Available:** In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

**Applicable:** To electric utilities which, by contract, may purchase Excess Energy from Southwestern.

**Character and Conditions of Service:** Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage and points of delivery specified by contract.

**Energy Associated with this Rate Schedule:** Excess Energy will be furnished at such times and in such amounts as Southwestern determines to be available.

**Transmission and Related Ancillary Services:** Transmission service for the delivery of Excess Energy shall be the sole responsibility of such customer purchasing Excess Energy.

**Rate for Excess Energy:** Energy Charge: \$0.0086 per kilowatthour.

[FR Doc. 2010-247 Filed 1-8-10; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

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

January 4, 2010.

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

<sup>1</sup> Supersedes Rate Schedule EE-06.

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.                      | File date | Presenter or requestor        |
|---------------------------------|-----------|-------------------------------|
| <b>Prohibited</b>               |           |                               |
| 1. IS10-56-000 .....            | 12-22-09  | Nash McMahan.                 |
| 2. Project 11858-000 .....      | 12-23-09  | Larry Rannals.                |
| 3. CP09-6-000, CP09-7-000 ..... | 12-17-09  | John Hempton.                 |
| 4. CP09-6-000, CP09-7-000 ..... | 12-17-09  | Linda Martin.                 |
| 5. CP09-6-000, CP09-7-000 ..... | 12-17-09  | Paul Sansone.                 |
| <b>Exempt</b>                   |           |                               |
| 1. CP09-6-000, CP09-7-000 ..... | 12-23-09  | Marron Dooney and Jim Miller. |
| 2. CP09-6-000, CP09-7-000 ..... | 12-23-09  | Olivia Schmidt.               |
| 3. CP09-6-000, CP09-7-000 ..... | 12-23-09  | Chuck and Cindy Straughan.    |
| 4. CP09-6-000 .....             | 12-14-09  | Hon. Ron Wyden.               |
| 5. CP09-35-000 .....            | 12-8-09   | John G. Wadsworth.            |
| 6. Project No. 3052-000 .....   | 12-23-09  | Mark Aumann. <sup>1</sup>     |
| 7. Project No. 3052-000 .....   | 12-22-09  | Hon. Ron Kind.                |
| 8. Project No. 13011-000 .....  | 12-8-09   | John Baummer. <sup>2</sup>    |
| 9. Project No. 13011-000 .....  | 12-8-09   | John Baummer. <sup>3</sup>    |

<sup>1</sup> Record of e-mail exchange.

<sup>2</sup> Record of e-mail exchange with Gary Lowe, *et al.*

<sup>3</sup> Record of e-mail exchange with Daniel Heacock.

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

[FR Doc. 2010-181 Filed 1-8-10; 8:45 am]

**BILLING CODE 6717-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[OW-FRL-9101-6]

**Beaches Environmental Assessment and Coastal Health Act**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Availability of 2010 BEACH Act Grants.

**SUMMARY:** Section 406(b) of the Clean Water Act (CWA) as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act authorizes EPA to award program development and implementation grants to eligible States, territories, Tribes, and local governments to support microbiological monitoring and public notification of the potential for exposure to disease-

causing microorganisms in coastal recreation waters, including the Great Lakes. EPA encourages coastal and Great Lakes States and Tribes that have received BEACH Act grants in the past to apply for 2010 BEACH Act grants to implement effective and comprehensive coastal recreation water monitoring and public notification programs ("implementation grants"). EPA also encourages eligible coastal and Great Lakes Tribes to apply for 2010 BEACH Act grants to develop effective and comprehensive coastal recreation water monitoring and public notification programs ("development grants").

**DATES:** States, Erie County, Pennsylvania, and Tribes that previously received BEACH Act grants must submit applications on or before March 12, 2010. Other eligible Tribes should notify the relevant EPA Regional BEACH Act grant coordinator of their interest in applying for a grant on or before February 25, 2010. Upon receipt of a Tribe's notice of interest, EPA will establish an appropriate application deadline.

**ADDRESSES:** You must send your application to the appropriate EPA Regional grant coordinator listed in this notice under Section VI, Grant Coordinators.

**FOR FURTHER INFORMATION CONTACT:** Lars Wilcut, 1200 Pennsylvania Ave., NW., (4305T), Washington, DC 20460. Telephone: (202) 566-0447. E-mail: [wilcut.lars@epa.gov](mailto:wilcut.lars@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*What Is the BEACH Act?*

The Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 amends the Clean Water Act to better protect public health at our nation's beaches through improved water quality standards and beach monitoring and notification programs. The BEACH Act authorizes EPA to award grants to develop and implement monitoring and public notification programs for coastal recreation waters, consistent with EPA's required performance criteria. EPA