

simultaneously for measuring power output. Sony commented that “the additional channels in today’s 5.1 and 7.1 home theater systems are designed to carry vastly different sounds at vastly different levels.”<sup>4</sup> Sony commented further that “to maintain the same power ratings if it were necessary to drive all channels simultaneously during testing, virtually all manufacturers would have to change the sound platform of their amplifiers and receivers to be able to sustain such output,” which “would drive up the costs of production considerably, [and] in turn drive up the ultimate cost to consumers.”

The Commission has received no contrary evidence indicating that all channels of a multi-channel home theater system frequently would be driven to maximum power simultaneously during typical playback conditions in home use. Absent such evidence, the Rule should not be amended.

The Commission previously stated that it would not enforce the “association” requirements of Section 432.2 of the Rule until it provided further guidance regarding which channels need to be associated for purposes of rating multichannel amplifiers. The Commission now provides that guidance. Specifically, at a minimum, the left front and right front channels of multichannel amplifiers are associated under the Rule. It, therefore, would be a violation of the Rule to make power output claims for multichannel amplifiers utilized in home entertainment products unless those representations are substantiated by measurements made with, at a minimum, the left front and right front channels driven to full rated power.

The left and right front channels of home theater multichannel amplifiers are responsible for reproducing a substantial portion of the musical soundtracks of movies, as well as a substantial portion of the program content of music CDs and DVDs.<sup>5</sup> These

soundtracks and music program material, like that of normal stereo recordings, typically drive both the left and right front channels simultaneously. Thus, if a manufacturer does not, at a minimum, drive the left and right front channels to rated per channel power during power output testing of a multichannel amplifier, the test results will not provide a useful measurement of the amplifier’s ability to play such content.<sup>6</sup> Furthermore, the most prominent disclosed output in any direct or indirect representation of the power output of a multichannel amplifier must treat the left and right front channels, at a minimum, as being associated.

Finally, the Commission notes that pursuant to § 432.2 and § 432.4 of the Rule, marketers must express all power output disclosures in minimum watts “per channel.” Consequently, representations of aggregate power output, such as “500 watts” or “500 watts total power” for an amplifier with five channels that can output 100 minimum watts per channel, would not comply with the Amplifier Rule.

#### IV. Conclusion

For the reasons described above, the Commission has determined to retain the current Amplifier Rule.

#### List of Subjects in 16 CFR Part 432

Amplifiers, Home entertainment products, Trade practices.

**Authority:** 15 U.S.C. 41-58.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2010-1418 Filed 1-25-10; 11:14 am]

**BILLING CODE 6750-01-S**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 381

[Docket No. RM10-14-000]

#### Annual Update of Filing Fees

January 20, 2010.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; annual update of Commission filing fees.

**SUMMARY:** In accordance with 18 CFR 381.104, the Commission issues this update of its filing fees. This notice provides the yearly update using data in the Commission’s Management, Administrative, and Payroll System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission’s costs for Fiscal Year 2009.

**DATES:** *Effective Date:* February 25, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Raymond D. Johnson Jr., Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42-66, Washington, DC 20426, 202-502-8402.

**SUPPLEMENTARY INFORMATION:**

*Document Availability:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC’s Home Page (<http://www.ferc.gov>) and in FERC’s Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From FERC’s Web site on the Internet, this information is available in the eLibrary (formerly FERRIS). The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC’s Web site during normal business hours. For assistance, 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.

<sup>4</sup> Other sources support this contention. See, e.g., What is Surround Sound, (<http://www.customhomeaudio.net/customhomeaudio/surroundsound.html>) (Stating that in multichannel systems “[t]here is a pair of surround sound speakers that is placed to the side of (and slightly above) the audience to provide the surround sound and ambient effects”); Mike Sokol, Surround Sound Mixing Techniques, (2005), (<http://www.digifreq.com/digifreq/article.asp?ID=23>) (“[M]ovie soundtracks [mix]... surround [sic] effects in the rear.”).

<sup>5</sup> See, e.g., Tomlinson Holman, Surround Sound, 197 (Focal Press 2007) (discussing the soundtrack for the beach landing scenes of the film Saving Private Ryan, and noting the importance of a pure stereo mix in the left front and right front channels); What is Surround Sound, (<http://www.customhomeaudio.net/customhomeaudio/>

[surroundsound.html](http://www.customhomeaudio.net/customhomeaudio/surroundsound.html)) (“There is one center speaker which carries most of the dialog... and part of the soundtrack. There are left and right front speakers that carry most of the soundtrack (music and sound effects).”); What is Surround Sound?, (<http://www.tech-faq.com/surround-sound.shtml>) (“[The front right and front left speakers] are usually the most important speakers in your surround sound set up. Most of the music or sound will come from these two speakers.”).

<sup>6</sup> This procedure also will promote consistency between the per channel power output ratings for stereo amplifiers and multichannel amplifiers.

United States of America Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM10-14-000]

Annual Update of Filing Fees in Part 381 Annual Update of Filing Fees

(Issued January 20, 2010)

The Federal Energy Regulatory Commission (Commission) is issuing this notice to update filing fees that the

Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2009 costs. The adjusted fees announced in this notice are effective February 25, 2010. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of

the Office of Management and Budget, that this Final Rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this Final Rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

Fees Applicable to the Natural Gas Policy Act

1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403) ..... \$11,520

Fees Applicable to General Activities

1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a)) ..... 23,140

2. Review of a Department of Energy remedial order:

Amount in controversy

\$0-9,999. (18 CFR 381.303(b)) ..... 100

\$10,000-29,999. (18 CFR 381.303(b)) ..... 600

\$30,000 or more. (18 CFR 381.303(a)) ..... 33,780

3. Review of a Department of Energy denial of adjustment:

Amount in controversy

\$0-9,999. (18 CFR 381.304(b)) ..... 100

\$10,000-29,999. (18 CFR 381.304(b)) ..... 600

\$30,000 or more. (18 CFR 381.304(a)) ..... 17,710

4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a)) ..... 6,640

Fees Applicable to Natural Gas Pipelines

1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b)) ..... \* 1,000

Fees Applicable to Cogenerators and Small Power Producers

1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a)) ..... 19,900

2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a)) ..... 22,530

\* This fee has not been changed.

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

Thomas R. Herlihy, Executive Director.

In consideration of the foregoing, the Commission amends Part 381, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

PART 381—FEES

1. The authority citation for Part 381 continues to read as follows:

Authority: 15 U.S.C. 717-717w; 16 U.S.C. 791-828c, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

§ 381.302 [Amended]

2. In 381.302, paragraph (a) is amended by removing "\$22,550" and adding "\$23,140" in its place.

§ 381.303 [Amended]

3. In 381.303, paragraph (a) is amended by removing "\$32,920" and adding "\$33,780" in its place.

§ 381.304 [Amended]

4. In 381.304, paragraph (a) is amended by removing "\$17,260" and adding "\$17,710" in its place.

§ 381.305 [Amended]

5. In 381.305, paragraph (a) is amended by removing "\$6,470" and adding "\$6,640" in its place.

§ 381.403 [Amended]

6. Section 381.403 is amended by removing "\$11,220" and adding "\$11,520" in its place.

§ 381.505 [Amended]

7. In 381.505, paragraph (a) is amended by removing "\$19,390" and adding "\$19,900" in its place and by removing "\$21,950" and adding "\$22,530" in its place.

[FR Doc. 2010-1446 Filed 1-25-10; 8:45 am]

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POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010-11 and CP2010-11; Order No. 362]

New Postal Product

AGENCY: Postal Regulatory Commission. ACTION: Final rule.

SUMMARY: The Commission is adding Inbound Air Parcel Post at non-Universal Postal Union rates to the product list. This action is consistent with changes in a postal reform law. The Commission is also making clarifying editorial changes to a related product that is already on the product list. Republication of the lists of market dominant and competitive products is consistent with a statutory requirement. DATES: Effective January 26, 2010 and is applicable beginning December 15, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 or stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: Regulatory History, 74 FR 62357 (November 27, 2009).