DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[DOcket No. ER10–1089–000]

EquiPower Resources Management, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

April 29, 2010.

This is a supplemental notice in the above-referenced proceeding of EquiPower Resources Management, LLC’s application for market-based rate authority, with an accompanying rate

controls for those products. PB has suggested that results generated at lower water temperature conditions would be more typical of the specified models’ performance, although it did not state that its products would be unable to be tested using DOE’s test procedure or to meet the energy conservation standard when testing is conducted at the higher water temperatures specified in the existing DOE test procedure. DOE may consider potential amendments to the test procedure regarding testing the energy efficiency of condensing boilers at lower water temperatures as part of a future rulemaking.

In the meantime, DOE points out that PB and similarly situated manufacturers may make supplemental statements regarding the energy efficiency of their boilers (e.g., on marketing materials, Web sites), provided that they continue to disclose the AFUE result generated using the DOE test procedure. Such supplemental results must not mislead the consumer and must be clearly distinguished from the AFUE results. With that said, DOE notes that it has examined ASHRAE Standard 103–2003 (Public Review Draft) and believes it to be generally adequate for the supplemental testing purposes envisioned by PB, provided that the significance of LWTSE results are explained and clearly differentiated from AFUE results, so as to prevent consumer confusion in the marketplace. Since LWTSE test conditions promote condensing operation, DOE would caution, in the interest of consumer safety, that units tested accordingly, and advertised with a LWTSE, be appropriately designed or equipped to contend with potential corrosion issues which are typically associated with condensates produced from low-temperature flue gases. Accordingly, nothing currently prevents PB (or any other manufacturer) from reporting low-water-temperature test results for the boilers in question, along with the required AFUE results in marketing or other informative materials for consumers. DOE notes, however, that such supplemental information could not be placed on the product’s Energy Guide label, because the FTC’s regulations limit such information to results generated under the DOE test procedure.

Consultations With Other Agencies

DOE consulted with the FTC staff concerning the PB Petition for Waiver. The FTC staff did not have any objections to the decision to deny a waiver to PB.

Conclusion

After careful consideration of all the materials submitted by PB and consultation with the FTC staff, for the reasons above, it is ordered that:

(1) The “Petition for Waiver” filed by PB Heat, LLC (PB) (Case No. WAV–0140) is hereby denied for the reasons discussed above; and

(2) PB shall be required to test or rate its residential PO–50, PO–60, PO–63, and PO–73 oil-fired boilers on the basis of the current test procedure contained in 10 CFR 430.23(n) and 10 CFR part 430, subpart B, appendix N.

PB may conduct LWTSE testing and report the results in product literature (other than supplementation of the certification label), provided that the AFUE test results generated under the DOE test procedure continue to be disclosed and that the LWTSE results provide reasonable, clear, and distinguishable representations of those results to the consumer.
tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 19, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at http://www.ferc.gov. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission’s eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission’s Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.
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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1109–000]

Eagle Creek Hydro Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

April 29, 2010.

This is a supplemental notice in the above-referenced proceeding of Eagle Creek Hydro Power, LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 19, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at http://www.ferc.gov. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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