

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Order on Intent To Revoke Market-Based Rate Authority

Issued June 25, 2010.

Before Commissioners: Jon Wellinghoff, Chairman; Marc Spitzer, Philip D. Moeller, and John R. Norris.

In the matter of: ER02–2001–015, ER00–167–000, ER03–752–000, Electric Quarterly Reports, Strategic Energy Management Corp., Solaro Energy Marketing Corporation.

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2006), and 18 CFR part 35 (2009), require, among other things, that all rates, terms, and conditions of jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public utilities, including power marketers, to file Electric Quarterly Reports summarizing the contractual terms and conditions in their agreements for all jurisdictional services (including market-based power sales, cost-based power sales, and transmission service) and providing transaction information (including rates) for short-term and long-term power sales during the most recent calendar quarter.<sup>1</sup>

2. Commission staff's review of the Electric Quarterly Report submittals indicates that two utilities with authority to sell electric power at market-based rates have failed to file their Electric Quarterly Reports. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that:

[i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for market-based rate authority if it wishes to resume making sales at market-based rates.<sup>2</sup>

4. The Commission further stated that:

[o]nce this rule becomes effective, the requirement to comply with this rule will

<sup>1</sup> Revised Public Utility Filing Requirements, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001–A, 100 FERC ¶ 61,074, *reconsideration and clarification denied*, Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filings*, Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filings*, Order No. 2001–D, 102 FERC ¶ 61,334 (2003).

<sup>2</sup> Order No. 2001 at P 222.

supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.<sup>3</sup>

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of several market-based rate sellers that failed to submit their Electric Quarterly Reports.<sup>4</sup>

6. As noted above, Commission staff's review of the Electric Quarterly Report submittals identified two public utilities with authority to sell power at market-based rates that failed to file Electric Quarterly Reports through the first quarter of 2010. Commission staff contacted these entities to remind them of their regulatory obligations.<sup>5</sup> None of the public utilities listed in the caption of this order has met those obligations.<sup>6</sup> Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the issuance of this order.

7. In the event that any of the above-captioned market-based rate sellers has already filed its Electric Quarterly Report in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If any of the above-captioned market-based rate sellers do not wish to continue having market-based rate authority, they may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel their market-based rate tariff.

#### *The Commission orders:*

(A) Within 15 days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all

<sup>3</sup> *Id.* P 223.

<sup>4</sup> See, e.g., *Electric Quarterly Reports*, 75 FR 19,646 (Apr. 15, 2010); *Electric Quarterly Reports*, 74 FR 44,841 (Aug. 31, 2009).

<sup>5</sup> See *Solaro Energy Marketing Corporation*, Docket No. ER03–752–000 (April 22, 2010) (unpublished letter order); *Strategic Energy Management Corp.*, Docket No. ER00–167–000 (April 22, 2010) (unpublished letter order).

<sup>6</sup> According to the Commission's records, both companies subject to this order failed to file their Electric Quarterly Reports for the 4th quarter of 2009 and the 1st quarter of 2010.

delinquent Electric Quarterly Reports. If a public utility fails to make this filing, the Commission will revoke that public utility's authority to sell power at market-based rates and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2010–16131 Filed 7–1–10; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–R01–OW–2010–0316, FRL–9170–4]

### Massachusetts Marine Sanitation Device Standard—Notice of Determination

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

**ACTION:** Notice of determination.

**SUMMARY:** The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the coastal waters of Pleasant Bay/Chatham Harbor, MA.

**ADDRESSES:** *Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, Office of Ecosystem Protection, Oceans and Coastal Protection Unit, Five Post Office Square, Suite 100, OEP06–1, Boston, MA 02109–3912. Telephone: (617) 918–1538. Fax number: (617) 918–0538. E-mail address: [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov).

**SUPPLEMENTARY INFORMATION:** On May 7, 2010, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Pleasant Bay/Chatham Harbor. Three comments were received on this petition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312 (f) (3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312 (f) (3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State

may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of Pleasant Bay/Chatham Harbor. The NDA boundaries are as follows:

Waterbody/General area	From latitude	From longitude	To latitude	To longitude
Bounded on the west by mainland Chatham, Harwich, Brewster and Orleans; bounded on the east by Nauset Beach (North Beach) and North Beach Island. A line drawn cross the mouth of the North inlet across from Minister's Point.	41°42'19.43" N.	69°55'44.76" W.	41°42'13.31" N.	69°55'45.11" W.
From West of a line across the mouth of the South Inlet:	41°40'41.51" N.	69°56'3.47" W.	41°39'56.52" N.	69°56'30.48" W.

The area includes the municipal waters of Chatham, Harwich, Brewster and Orleans.

The information submitted to EPA by the Commonwealth of Massachusetts certifies that there are three pumpout facilities located within this area. A list of the facilities, with locations, phone numbers, and hours of operation is

appended at the end of this determination.

Based on the examination of the petition and its supporting documentation, and information from site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of

sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312 (f) (3) of Public Law 92–500, as amended by Public laws 95–217 and 100–4.

**PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREA**

Name	Location	Contact info.	Hours	Mean low water depth
<b>Pleasant Bay/Chatham Harbor</b>				
Harbormaster .....	Round Cove Harwich .....	508–430–7532, VHF 60 .....	On demand .....	N/A.
Harbormaster .....	Ryder's Cove Chatham .....	508–945–1067 or 508–945–5185, VHF 66.	M–F 8 a.m.–5 p.m., Sat. 9 a.m.–1 p.m.	3 ft.
Nauset Marine East .....	37 Barley Neck Road, East Orleans.	508–255–3045, VHF 9 .....	On demand .....	3 ft.

Dated: June 24, 2010.

**H. Curtis Spalding,**

*Regional Administrator, New England Region.*

[FR Doc. 2010–16174 Filed 7–1–10; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER–FRL–8991–2]

**Environmental Impact Statements; Notice of Availability**

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–1399 or <http://www.epa.gov/compliance/nepa/>. Weekly receipt of Environmental Impact Statements. Filed 06/21/2010 through 06/25/210. Pursuant to 40 CFR 1506.9.

**Notice**

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: <http://www.epa.gov/compliance/nepa/eisdata.html>. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the

publication of the notice of availability of EPA comments in the **Federal Register**.

*EIS No. 20100236, Draft EIS, FERC, CA, Kilarc-Cow Creek Hydroelectric Project (FERC Project No. 606) Proposes to Surrender the License for Operation Project, Old Crow Creek and South Cow Creek, Shasta County, CA, Comment Period Ends: 08/16/2010, Contact: Mary O'Driscoll, 1–866–208–3372.*

*EIS No. 20100237, Final Supplement, BLM, NV, Newmont Gold Mining, South Operations Area Project Amendment, Updated Information on the Cumulative Effects Analyses, Operation and Expansion, Plan of Operations, Elko and Eureka Counties, NV, Wait Period Ends: 08/*