

*Docket Numbers:* ER17–922–000.  
*Applicants:* Arizona Public Service Company.

*Description:* Cancellation of Service Agreement Nos. 91, 137, and 144 of Arizona Public Service Company.

*Filed Date:* 2/2/17.

*Accession Number:* 20170202–5238.

*Comments Due:* 5 p.m. ET 2/23/17.

*Docket Numbers:* ER17–923–000.

*Applicants:* Ashley Energy LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate Tariff to be effective 2/20/2017.

*Filed Date:* 2/3/17.

*Accession Number:* 20170203–5043.

*Comments Due:* 5 p.m. ET 2/24/17.

*Docket Numbers:* ER17–924–000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* § 205(d) Rate Filing: Wisconsin Electric Assignment of FERC Rate Schedule 106 020317 to be effective 2/4/2017.

*Filed Date:* 2/3/17.

*Accession Number:* 20170203–5064.

*Comments Due:* 5 p.m. ET 2/24/17.

*Docket Numbers:* ER17–925–000.

*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.

*Description:* § 205(d) Rate Filing: Part 1 of Two-Part Filing to Remove Active Demand Resource Types to be effective 2/24/2017.

*Filed Date:* 2/3/17.

*Accession Number:* 20170203–5069.

*Comments Due:* 5 p.m. ET 2/24/17.

*Docket Numbers:* ER17–926–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4608; Queue No. AB1–027 to be effective 1/4/2017.

*Filed Date:* 2/3/17.

*Accession Number:* 20170203–5080.

*Comments Due:* 5 p.m. ET 2/24/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For

other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 3, 2017.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2017–02952 Filed 2–13–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL17–46–000]

#### Basin Electric Power Cooperative; Notice of Petition for Partial Waiver

Take notice that on February 6, 2017, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,<sup>1</sup> Basin Electric Power Cooperative (Basin Electric) on its own behalf and on behalf of 72 rural electric cooperative member-owners (collectively, the Participating Members),<sup>2</sup> filed a Petition for Partial Waiver

<sup>1</sup> 18 CFR 292.402 (2016).

<sup>2</sup> Basin Electric's Participating Member-owners joining in this petition are Agralite Electric Cooperative, Big Flat Electric Co-op, Inc., Black Hills Electric Cooperative, Inc., Bon Homme Yankton Electric Association, Inc., Burke-Divide Electric Cooperative, Inc., Butte Electric Cooperative, Inc., Cam Wal Electric Cooperative, Inc., Capital Electric Cooperative, Inc., Central Electric Cooperative, Inc., Central Montana Electric Power Cooperative, Inc., Central Power Electric Cooperative, Inc., Charles Mix Electric Association, Inc., Cherry-Todd Electric Cooperative, Inc., City of Elk Point, Clay-Union Electric Corporation, Codington-Clark Electric Cooperative, Inc., Crow Wing Cooperative Power and Light Company, Dakota Valley Electric Cooperative, Inc., Douglas Electric Cooperative, Inc., East River Electric Power Cooperative, Inc., FEM Electric Association, Inc., Fergus Electric Cooperative, Inc., Goldenwest Electric Coop., Inc., Grand Electric Cooperative, Inc., H–D Electric Cooperative, Inc., Hill County Electric Cooperative, Inc., KEM Electric Cooperative, Inc., Kingsbury Electric Cooperative, Inc., L & O Power Cooperative, Lacreek Electric Association, Inc., Lake Region Electric Association, Inc., Lower Yellowstone Rural Electric Cooperative, Lyon Rural Electric Cooperative, Lyon-Lincoln Electric Cooperative, Inc., Marias River Electric Cooperative, Inc., McCone Electric Co-op., Inc., McKenzie Electric Cooperative, Inc., McLean Electric Cooperative, Inc., Mid-Yellowstone Electric Cooperative, Minnesota Valley Cooperative Light & Power Association, Mor-Gran-Sou Electric Cooperative, Inc., Moreau-Grand Electric Cooperative, Inc., Mountrail-Williams Electric Cooperative, North Central Electric Cooperative, Inc., Northern Electric Cooperative, Inc., Northern Plains Electric Cooperative, Inc., NorVal Electric Cooperative, Inc., Oahe Electric Cooperative, Inc., Osceola Electric Cooperative, Inc., Park Electric Cooperative, Inc., Powder River Energy Corporation, Redwood Electric Cooperative, Renville-Sibley Co-op Power Association, Rosebud Electric Cooperative, Inc., Roughrider Electric Cooperative, Inc., Rushmore Electric Power Cooperative, Inc., Sheridan Electric Co-op., Inc., Sioux Valley- Southwestern Electric Cooperative,

(Petition) of certain obligations imposed on the Participating Members and on Basin Electric under sections 292.303(a) and 292.303(b) of the Commission's Regulations<sup>3</sup> implementing section 210 of the Public Utility Regulatory Policies Act of 1978, as amended, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comments:* 5:00 p.m. Eastern Time on February 27, 2017.

Inc., Slope Electric Cooperative, Inc., South Central Electric Association, Southeast Electric Cooperative, Inc.,

Southeastern Electric Cooperative, Inc., Sun River Electric Cooperative, Inc., Tongue River Electric Cooperative, Inc., Traverse Electric Cooperative, Inc., Union County Electric Cooperative, Inc., Upper Missouri G & T Electric Cooperative, Inc., Verendrye Electric Cooperative, West Central Electric Cooperative, Inc., West River Electric Association, Inc., Whetstone Valley Electric Cooperative, Inc., and Yellowstone Valley Electric Cooperative, Inc.

<sup>3</sup> 18 CFR 292.303(a) and (b) (2016).

Dated: February 6, 2017.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2017-02948 Filed 2-13-17; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No., AD17-10-000]

#### Agency Operations in the Absence of a Quorum; Order Delegating Further Authority to Staff in Absence of Quorum

Before Commissioners: Cheryl A. LaFleur,  
Acting Chairman; Norman C. Bay, and  
Colette D. Honorable.

#### I. Introduction

1. Pursuant to section 401(b) of the Department of Energy Organization Act,<sup>1</sup> the Commission is composed of five members, and pursuant to section 401(e) of the Department of Energy Organization Act,<sup>2</sup> “a quorum for the transaction of business shall consist of at least three members present.” The Commission anticipates that it will lack a quorum for an indeterminate period in the near future. The Commission also recognizes that it has a continuing responsibility to carry out its regulatory obligations under the various statutes that the Commission administers, including among other statutes, the Federal Power Act (FPA), the Natural Gas Act (NGA), and the Interstate Commerce Act (ICA), in an effective and efficient manner consistent with the public interest.<sup>3</sup> For example, companies subject to the Commission’s jurisdiction will continue to make rate filings under the FPA and NGA with the Commission that, in the absence of Commission action, would take effect without suspension, refund protection, or the ability for protesting parties to appeal.<sup>4</sup> The Commission’s general practice has been not to allow such filings to go into effect by operation of law. Similarly, the Commission’s intention is to ensure that staff has authority to prevent such filings from going into effect by operation of law during the period in which the Commission lacks a quorum.

2. Accordingly, the Commission by this order, issued while the Commission

has a quorum, delegates further authority<sup>5</sup> to its staff<sup>6</sup> to take action, as provided below,<sup>7</sup> effective February 4, 2017. The authority delegated herein is effective until such time as the Commission again has a quorum and takes action to lift the delegation, and in no event will this delegation extend beyond days 14 days following the date a quorum is reestablished (Delegation Period).<sup>8</sup>

#### II. Delegation of Agency Authority

##### A. Notice

3. Given the anticipated loss of a quorum,<sup>9</sup> an immediate plan for the orderly delegation of agency functions to the Commission’s staff is required. Public notice of this action, otherwise required by 5 U.S.C. 553(b) (2012), is impracticable because of the timeframe for the anticipated loss of quorum. The Commission’s requirement to protect the public interest creates an immediate need for this action.

<sup>5</sup> All pre-existing delegations of authority by the Commission to its staff continue to be effective. 18 CFR 375.301-.315 (2016). This includes the authority of the Secretary to toll the time for action on requests for rehearing. 18 CFR 375.302(v) (2016).

<sup>6</sup> This delegation of authority is to the relevant office director, but such authority may be further delegated to his or her designee consistent with 18 CFR 375.301(b) (2016).

<sup>7</sup> As to emergency functions, the Commission will look to the Anti-Deficiency Act to guide its decision as to what actions may continue to be pursued notwithstanding the absence of a quorum and even if it were not to delegate authority to its staff. Specifically, the Anti-Deficiency Act allows work to continue even during a lapse in appropriations on activities the suspension of which would “imminently threaten the safety of human life or the protection of property.” 31 U.S.C. 1342 (2012); see also 31 U.S.C. 1341 (2012). Thus, during the Delegation Period even in the absence of this delegation of authority to its staff, limited Commission operations can continue: inspecting and responding to incidents at liquefied natural gas facilities or jurisdictional hydropower projects; and other activities involving the safety of human life or protection of property.

<sup>8</sup> 41 U.S.C. 7171(f) (2012) (authorizing the Commission “to establish such procedural and administrative rules as are necessary to the exercise of its functions”); accord, e.g., 15 U.S.C. 717o (2012); 16 U.S.C. 825h (2012); see generally 18 CFR 375.301-.315 (2016) (pre-existing delegations of authority by Commission to its staff); cf. *NLRB v. Bluefield Hospital Co., LLC*, 821 F.3d 534 (4th Cir. 2016) (upholding the authority of the Board’s staff to act pursuant to delegated authority when the Board did not have a quorum); *Advanced Disposal Services East, Inc. v. NLRB*, 820 F.3d 592 (3d Cir. 2016) (same); *UC Health v. NLRB*, 803 F.3d 669 (D.C. Cir. 2015) (same); *SSC Mystic Operating Co., LLC v. NLRB*, 801 F.3d 302 (D.C. Cir. 2015) (same).

The Commission, when previously facing similar circumstances, has taken similar action to delegate further authority to its staff to act in the absence of a quorum. *Order Delegating Authority to the Secretary and Certain Office Directors*, 63 FERC ¶ 61,073 (1993).

<sup>9</sup> At present, the Commission has three sitting members, but will lose a quorum after February 3, 2017.

##### B. Action on Rate and Other Filings

4. If the date by which the Commission is required to act on rate and other filings<sup>10</sup> made pursuant to section 4 of the NGA, 15 U.S.C. 717c (2012), section 205 of the FPA, 16 U.S.C. 824d (2012), and section 6(3) of the ICA, 49 App. U.S.C. 6(3) (1988), falls during the Delegation Period, the Commission in this order delegates to its staff (a delegation to the Director of the Office of Energy Market Regulation (OEMR)) the further authority: (1) to accept and suspend such filings and to make them effective, subject to refund and further order of the Commission;<sup>11</sup> or (2) to accept and suspend such filings and to make them effective, subject to refund, and to set them for hearing and settlement judge procedures. For initial rates or rate decreases filed pursuant to section 205 of the FPA, for which suspension and refund protection are unavailable, we also delegate to Commission staff authority, pursuant to section 206 of the FPA,<sup>12</sup> to institute a proceeding to protect the interests of customers.

##### C. Extensions of Time

5. The Commission delegates the authority to extend the time for action on matters where such extension of time is permitted by statute.

##### D. Waiver Requests

6. During the Delegation Period, the Commission in this order delegates to its staff (a delegation to the Director of OEMR) the further authority to take appropriate action on uncontested filings made pursuant to section 4 of the NGA, 15 U.S.C. 717c (2012), section 205 of the FPA, 16 U.S.C. 824d (2012), and section 6(3) of the ICA, 49 App. U.S.C. 6(3) (1988), seeking waivers of the terms and conditions of tariffs, rate schedules and service agreements, including waivers related to, e.g., capacity release and capacity market rules.

##### E. Uncontested Settlements

7. During the Delegation Period, the Commission in this order delegates to its staff (a delegation to the Director of

<sup>10</sup> Decisions made pursuant to delegated authority may be challenged on rehearing, see 18 CFR 385.1902 (2016), and authority to act on requests for rehearing is not being delegated (authority to issue tolling orders already rests with the Secretary, see *supra* note 5), and so timely requests for rehearing will be addressed when the Commission again has a quorum.

<sup>11</sup> The acceptance for filing and suspension and making effective subject to refund and to further Commission order of these filings is without prejudice to any further action of the Commission with respect to these filings once the Commission again has a quorum.

<sup>12</sup> 16 U.S.C. 824e (2012).

<sup>1</sup> 42 U.S.C. 7171(b) (2012).

<sup>2</sup> 42 U.S.C. 7171(e) (2012); accord 18 CFR 375.101(e) (2016).

<sup>3</sup> 16 U.S.C. 791a *et seq.*; 15 U.S.C. 717 *et seq.*; 49 App. U.S.C. 1 *et seq.* (1988).

<sup>4</sup> See *Public Citizen, Inc. v. FERC*, 839 F.3d 1165 (D.C. Cir. 2016).