

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 35 and 37

[Docket Nos. RM05–25–000 and RM05–17–000]

#### Preventing Undue Discrimination and Preference in Transmission Service

November 15, 2006.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Request for Supplemental Comments.

**SUMMARY:** On May 19, 2006, the Commission issued a Notice of Proposed Rulemaking (NOPR) in this proceeding. *Preventing Undue Discrimination and Preference in Transmission Service*, 71 FR 32636 (June 6, 2006). In the NOPR, the Commission proposed, *inter alia*, to modify the redispatch obligations associated with long-term firm point-to-point service and, in addition, sought comments on whether the creation of a conditional firm product would represent a superior approach to address circumstances under which firm transmission service can be provided in most, but not all, of the hours of the request. Based on the comments received in response to the NOPR, the Commission is seeking further comment on the following two topics: the proposal of the Transparent Dispatch Advocates for transmission providers to post redispatch cost information and provide real-time redispatch; and specific questions related to the provision of conditional firm service.

**DATES:** Comments are due December 15, 2006.

**ADDRESSES:** You may submit comments, identified by Docket Nos. RM05–25–000 and RM05–17–000, by one of the following methods:

- *Agency Web Site:* <http://www.ferc.gov>. Follow the instructions for submitting comments via the eFiling

link found in the Comment Procedures section of the preamble of the May 19, 2006 NOPR.

- *Mail:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC, 20426. Please refer to the Comment Procedures section of the preamble of the May 19, 2006 NOPR for additional information on how to file paper comments.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Hedberg, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6243, [daniel.hedberg@ferc.gov](mailto:daniel.hedberg@ferc.gov).

Jennifer Amerkhail, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8650, [jennifer.amerkhail@ferc.gov](mailto:jennifer.amerkhail@ferc.gov).

Mason Emmett, Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6540, [mason.emmett@ferc.gov](mailto:mason.emmett@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Notice of Request for Supplemental Comments

On May 19, 2006, the Commission issued a Notice of Proposed Rulemaking (NOPR) in this proceeding. *Preventing Undue Discrimination and Preference in Transmission Service*, 71 FR 32,636 (June 6, 2006), FERC Stats. & Regs. ¶ 32,603 (2006). In the NOPR, the Commission proposed, *inter alia*, to modify the redispatch obligations associated with long-term firm point-to-point service and, in addition, sought comments on whether the creation of a conditional firm product would represent a superior approach to address circumstances under which firm transmission service can be provided in most, but not all, of the hours of the request. Based on the comments received in response to the NOPR, the Commission is seeking further comment on the following two topics:

#### 1. Transparent Dispatch Advocates (TDA) Proposal

In Reply Comments submitted on September 20, 2006, the TDA submitted a proposal that, among other things, would require transmission providers to: (1) Post the real-time cost estimate of providing redispatch service from their resources at congested locations; (2) accept bids from third parties that choose to offer and are capable of providing redispatch service; and (3) provide real-time redispatch to resolve transmission constraints. In order to provide an opportunity for others to respond to the TDA proposal, the Commission is allowing an additional period to file comments on the proposal generally and, more specifically, the following questions:

- Is the TDA proposal required to remedy undue discrimination?
- What are the implementation impediments to requiring greater transparency of redispatch cost information? For example, if long-term point-to-point service is granted based on redispatch of the transmission provider's generation, would it be reasonable to require the transmission provider to post its daily or hourly redispatch cost for the constraint implicated by that request?
  - Are there confidentiality or anticompetitive issues associated with requiring posting of this type of information? Are any concerns alleviated or exacerbated if the transmission provider were required to post the differential in costs between redispatched generators?
  - Would the TDA proposal for the transmission provider to provide real-time redispatch using third party resources require the establishment of limited markets and, if so, what are the costs or benefits of doing so?

#### 2. Conditional Firm Service

In the NOPR, the Commission sought comment on whether a new conditional firm transmission service would provide a better means than redispatch for addressing circumstances in which insufficient transfer capacity exists to grant a long-term point-to-point request. Subsequent to the NOPR, the Commission held a technical conference on October 12, 2006, that addressed, among other things, conditional firm service. In addition, Commission staff has held informal outreach sessions

with industry stakeholders on conditional firm service. During these discussions, certain additional issues regarding conditional firm service have arisen that merit further comment by the industry. The Commission invites comments on the following issues, to the extent supplemental comments add to the record rather than repeat arguments already made:

- Should conditional firm be offered as an alternative to redispach or are they complementary services? For example, if redispach is not available, should the transmission provider nevertheless be required to offer conditional firm service if available?

- Should conditional firm service be available for all long-term requests (including those of 20–30 years) or should it be offered only as a “bridge” service where the customer agrees to pay for transmission system upgrades and conditional firm service is provided until those relevant upgrades are constructed? For example, for a 20-year request for service, should the transmission provider be required to offer conditional firm service only during the first few years until relevant upgrades are constructed?

- Do limitations on system modeling present problems in offering conditional firm service over long periods (e.g., 10–30 years)? For example, do standard modeling techniques make it easier to analyze system conditions in the near term (e.g., 1–5 years) than over the long term (e.g., 10–30 years)?

- If conditional firm service is considered as a “bridge” product, should special rules apply when the necessary upgrades are extremely expensive (e.g., 10 times the embedded cost rate)?

- If any necessary upgrades produce “lumpy” capacity (e.g., a request for 100 MW of point-to-point service results in upgrades that create 1,000 MW of additional flowgate capacity), how should the lumpy capacity be handled? Should the costs be assigned exclusively to the requesting customer or, alternatively, be shared with other customers? If costs are assigned to the requesting customers, should it obtain rights to the lumpy capacity that can be resold in the marketplace? Alternatively, could a “bridging” application of conditional firm service even out the “lumpiness” of the upgrade requirement by permitting deferral of the upgrade until load growth or new customers are prepared to absorb and help pay for the excess capacity from the upgrade and, if so, how could the transmission provider implement such a mechanism?

- In responding to a request for conditional firm service, should the transmission provider be required to provide customers with a choice between conditional curtailment based on specified system conditions and the maximum number of hours per year?

- Should conditional firm service qualify as a network resource when the associated resource is imported by a network customer on an adjacent system?

Commenters are invited to file supplemental comments with the Commission on or before December 15, 2006. Commenters are invited to file joint supplemental comments in lieu of individually-filed comments. The Commission strongly discourages repetition of prior arguments.

By direction of the Commission.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–19998 Filed 11–24–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[DOD–2006–HA–0210; RIN 0720–AB12]

### 32 CFR Part 199

#### **TRICARE; TRICARE Retiree Dental Program (TRDP) Basic Benefit Descriptions and Administrative Corrections**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule amends TRICARE Retiree Dental Program (TRDP) Basic benefit descriptions by replacing specific American Dental Association (ADA) dental procedure codes and nomenclature with general benefit categories and descriptions. This revision is necessary to keep the regulation current, since dental procedure codes are added, revised, and deleted on a regular basis. This proposed rule does not change or eliminate any benefits that are currently available under the TRDP program. This proposed rule also revises several incorrect, obsolete, or historical terms pertaining to the TRICARE program.

**DATES:** Written comments received at the address indicated below by January 26, 2007 will be accepted.

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Debra Hatzel, Program Requirements Division, TRICARE Management Activity, telephone (303) 676–3572.

**SUPPLEMENTARY INFORMATION:** This proposed rule amends TRICARE Retiree Dental Program (TRDP) Basic benefit descriptions by removing specific American Dental Association (ADA) dental procedure codes and nomenclature, and replacing them with general benefit categories and descriptions from the most recent Current Dental Terminology (CDT) Manual (CDT–2005). This action is required because dental procedure codes and nomenclature are added, revised, and deleted by the ADA every two years; when this occurs, the regulation must also be revised to reflect the new codes and nomenclature. Maintaining specific procedure codes and nomenclature in the regulation is unnecessary, since the TRDP contract and TRDP marketing materials (available at <http://www.tricare.osd.mil/dental/dm2.cfm>) already contain detailed benefit descriptions. Also, the TRDP contractor and enrollees are notified when the Government directs any changes to TRDP benefits, limits, or exclusions. The TRDP contract and TRDP marketing materials will continue to be the primary vehicles for communicating specific benefit information to the TRDP contractor and beneficiaries. Removal of specific procedure codes and nomenclature from this section does not change or eliminate any benefits that are currently available under the TRDP. The general categories of benefits that are listed in this proposed rule will be adjusted periodically to conform to the current CDT Manual.

Although there are many similarities between the TRDP and the TRICARE Dental Program (TDP), the benefits are not identical. Also, there are different