

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest 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). All such motions or protests should be filed on or before the comment date. 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 motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM99-2-000]

Regional Transmission Organizations; Notice Providing Further Details on Procedures for Order No. 2000 Filings

October 6, 2000.

In a notice issued on July 20, 2000,¹ the Commission offered guidance on procedures for making filings in compliance with Order No. 2000² and the regulations promulgated by that order.³ This notice provides further details on filing procedures in response to questions addressed to the Secretary's office.

Timing of Filings

Section 35.34(c) sets forth the general rule that filings are due by October 15, 2000, and section 35.34(h) establishes January 15, 2001 as the deadline for public utilities already participating in

approved transmission entities.⁴ Attached as an appendix to the July 20 notice was a list of the public utilities that the Commission deems to be within section 35.34(h) with a January 15, 2001 filing deadline. It has been called to the Commission's attention that some public utilities that should be subject to the January 15, 2001 filing deadline were inadvertently omitted from that appendix. This omission will not be considered controlling for compliance purposes. Any public utility required to make an Order No. 2000 compliance filing, and that satisfies the section 35.34(h) criteria,⁵ may file by January 15, 2001 even if inadvertently omitted from the appendix. Any public utility required to make an Order No. 2000 compliance filing that does not meet the section 35.34(h) criteria is expected to make a filing specified by section 35.34(d) or (g) by October 15, 2000.⁶

Docketing of Filings

The Commission has established the new "RT" prefix for docket numbers that will be assigned to any filing made in compliance with Order No. 2000. The Commission requests that all public utilities making compliance filings required by section 35.34(c) or (h) of the regulations put the "RT" docket prefix in the docket area of their filings.

The Commission intends to assign the same docket number to all components of a single RTO proposal, including any filings made pursuant to sections 203 and 205 of the Federal Power Act and any petitions for declaratory order pursuant to section 35.34(d)(3) of the regulations. Accordingly, those filing an RTO proposal are encouraged to file it as a single package and clearly identify how the contents of the package satisfy

⁴ Because October 15, 2000 falls on a Sunday, and January 15, 2001 falls on a holiday, the filings are due by close of business on October 16, 2000, and January 16, 2001, respectively. See 18 CFR 385.2007(a)(2).

⁵ Section 35.34(h) applies to every "public utility that owns, operates or controls facilities used for the transmission of electric energy in interstate commerce as of March 6, 2000, and that has filed with the Commission on or before March 6, 2000 to transfer operational control of its facilities to a transmission entity that has been approved or conditionally approved by the Commission on or before March 6, 2000 as being in conformance with the eleven ISO principles set forth in Order No. 888 * * *."

⁶ With respect to any public utility that has filed to transfer operational control of its transmission facilities to an approved transmission entity as defined in section 35.34(h) but had not done so as of March 6, 2000, and with respect to any public utility that has made a firm commitment to participate in an RTO compliance filing that will be made by January 15, 2001, the filing due by October 15, 2000 may be brief, but should state clearly the filer's intent to participate in the future compliance filing.

all applicable statutory and regulatory requirements.

Filings by Non-Jurisdictional Entities

To the extent any non-public utility (that is not subject to Federal Power Act section 203 or 205 jurisdiction) wants to make a voluntary filing regarding how its electric transmission facilities may or may not be included in an RTO, it may do so in the following ways. If the non-public utility is participating in an RTO proposal, it may join in the RTO filing without jeopardizing its non-jurisdictional status. If the non-public utility wishes to comment on a particular RTO compliance filing, it may do so during the comment period that will be established in the notice of each compliance filing. Finally, if the non-public utility wishes to make an informational filing informing the Commission generally of its status with respect to RTO formation, it may make such a filing in Docket No. RT01-1-000.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Regulations Governing Off-the-Record Communications; Public Notice

October 6, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested off-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to

¹ Notice of Guidance for Processing Order No. 2000 Filings, 92 FERC ¶ 61,048 (2000).

² Regional Transmission Organizations, Order No. 2000, 65 Fed. Reg. 809 (January 6, 2000), FERC Stats. and Regs. ¶ 31,089 (1999), *order on reh'g*, Order No. 2000-A, 65 Fed. Reg. 12,088 (March 8, 2000), FERC Stats. and Regs. ¶ 31,092 (2000).

³ 18 CFR 35.34.

respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record

communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Project No.	Date	Name
Exempt:		
1. CP00-232-000	9-15-00	Warren Geisler, M.D.
2. CP00-65-000	9-25-00	Clifford G. Day.
3. Project No. 2146-081	9-25-00	Aubry Q. Cohon.
4. Project No. 1864-005	9-18-00	Honorable Don Koivisto.
5. Project No. 1864-005	9-6-00	Richard G. Gerrits.
6. Project No. 1864	7-28-00	Randy Kemp.
7. Project No. 1864	9-7-00	Gerald and Hetty Gray.
8. Project No. 1864	9-2-00	Richard J. Matrello.
9. Project No. 10875-001	9-27-00	Stephen L. Saunders.
10. Project No. 2146-081	9-26-00	Steve Means. Randy B. Kelley, Robert W. Echols, Jr. Dawson Partee. Douglas M. Weems. Robert Avery. Bill C. Stewart.
11. Project No. 2146-081	9-26-00	Donna E. Graham.
12. Project No. 2146-081	9-14-00	Jerry and Iralene Dowdy.
Prohibited:		
1. Project No. 9974-043	9-22-00	Kenneth J. Robillard.

Linwood A. Watson, Jr.,
Acting Secretary.

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DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Rate Order No. WAPA-94

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order.

SUMMARY: This action is to approve the existing Boulder Canyon Project (BCP) electric service ratesetting formula, Rate Order No. WAPA-70, through September 30, 2005, and to approve the Fiscal Year (FY) 2001 Base Charge and Rates. The existing electric service ratesetting formula and base charge and rates will expire September 30, 2000. This notice for approval of the ratesetting formula and the FY 2001 Base Charge and Rates are issued under 10 CFR part 903.

FOR FURTHER INFORMATION CONTACT: Mr. Maher Nasir, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-

6457, (602) 352-2768, or by e-mail: nasir@wapa.gov.

SUPPLEMENTARY INFORMATION: By Amendment No. 3 to Delegation Order No. 0204-108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); and (2) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). In Delegation Order No. 0204-172, effective November 24, 1999, the Secretary delegated the authority to the confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary. Existing Department of Energy (DOE) procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835). DOE procedures have been followed by Western in developing this provisional electric service ratesetting formula.

The project began with 1928 legislation approving construction of the BCP. The 1928 legislation provided for a dam to be built in the Black Canyon

located on the Colorado River adjacent to the Arizona/Nevada border.

Commercial power generation began in 1936 with yearly average generation of 4.5 billion kilowatthours (kWh). Its installed capacity is 2,074 megawatts (MW).

BCP power is marketed in three states; Arizona, California, and Nevada under the Hoover Power Plant Act of 1984 and following the marketing plan approved and published in the **Federal Register** on December 28, 1984. The power is marketed as long-term contingent capacity and firm energy. This capacity and firm energy are available as long as sufficient water in the reservoir allows Western to meet its delivery obligations. If sufficient water to support Contractors' capacity entitlements is not available, each Contractor's capacity entitlement is temporarily reduced. Contractors are entitled to receive 4.5 billion kWh of firm energy each year. If generation at Hoover Powerplant is less than that, Western can purchase energy to make up the shortfall at the request of individual Contractors on a pass-through cost basis.

The Boulder Canyon Project Implementation Agreement Contract No. 95-PAO-10616 requires Western, prior to October 1 of each Rate Year, to determine the next FY annual base