

for blanket approval under Part 34 (Director's Order). The Director's Order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard concerning the blanket approvals of issuances of securities or assumptions of liability by NRG Southaven, should file a 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, 385.214 (2007). The Commission encourages the electronic submission of protests using the FERC Online link at <http://www.ferc.gov>.

Notice is hereby given that the deadline for filing protests is May 5, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, NRG Southaven is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the NRG Southaven, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of NRG Southaven's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed

on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Records Governing Off-the-Record Communications; Public Notice

April 4, 2008.

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

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

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that

the prohibited communication and any responses thereto should become a 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 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 a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall 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 are 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 off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	Date received	Presenter or requester
<b>Prohibited:</b>		
1. CP06-54-000, CP08-55-000, CP08-56-000 .....	3-18-08	Robert Fromer.
2. CP07-208-000 .....	3-24-08	Scott Parker.
3. Project No. 2984-000 .....	3-27-08	Roger Wheeler.
<b>Exempt:</b>		
1. CP98-150-006, <i>et al.</i> .....	3-20-08	Michael A. Arcuri.
2. CP06-54-000 .....	3-19-08	Hon. Rosa DeLauro.
3. CP07-208-000 .....	3-20-08	Hon. Susan Bysiewicz.
4. CP07-208-000 .....	3-28-08	Hon. Richard G. Lugar.
5. Project No. 906-006 .....	4-01-08	Joseph Hassell.

Kimberly D. Bose,

Secretary.

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## DEPARTMENT OF ENERGY

### Southeastern Power Administration

#### Cumberland System of Projects

**AGENCY:** Southeastern Power Administration, DOE.

**ACTION:** Notice of proposed rates, public forum, and opportunities for public review and comment.

**SUMMARY:** Southeastern Power Administration (Southeastern) proposes to revise existing schedules of rates and charges applicable to the sale of power from the Cumberland System of Projects effective for a 5-year period, October 1, 2008, through September 30, 2013. Additionally, opportunities will be available for interested persons to review the rates and supporting studies and to submit written comments. Southeastern will evaluate all comments received in this process.

**DATES:** Written comments are due on or before July 10, 2008. A public information and comment forum will be held at 10 a.m., May 22, 2008. Persons desiring to speak at the forum should notify Southeastern at least three (3) days before the forum is scheduled, so that a list of forum participants can be prepared. Others may speak if time permits.

**ADDRESSES:** The forum will be held at the Holiday Inn Express, 920 Broadway, Nashville, Tennessee 37203, phone (615) 244-0150. Written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, GA 30635-6711.

**FOR FURTHER INFORMATION CONTACT:** J. W. Smith, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635, (706) 213-3800.

**SUPPLEMENTARY INFORMATION:** The Deputy Secretary of Energy confirmed and approved on an interim basis on February 20, 2008, Wholesale Power Rate Schedules CBR-1-F, CSI-1-F, CEK-1-F, CM-1-F, CC-1-G, CK-1-F, and CTV-1-F applicable to Cumberland System of Projects power for a period ending September 30, 2008. Final approval by the Federal Energy Regulatory Commission (FERC) is pending.

*Discussion:* The marketing policy for the Cumberland System of Projects provides peaking capacity, along with 1500 hours of energy annually with each kilowatt of capacity, to customers outside the Tennessee Valley Authority (TVA) transmission system. Due to restrictions on the operation of the Wolf Creek Project imposed by the U.S. Army Corps of Engineers as a precaution to prevent failure of the dam, Southeastern is not able to provide peaking capacity to these customers. Southeastern implemented an interim operating plan for the Cumberland System to provide these customers with energy that did not include capacity. Because previous rate schedules recovered all costs from capacity and excess energy, Southeastern developed the interim rate schedules to recover costs under the interim operating plan. The interim rate schedules were approved by the Administrator under the Administrator's authority to develop and place into effect on a final basis rates for short-term sales of capacity, energy, or transmission service effective February 25, 2007. On February 20, 2008, the Deputy Secretary of Energy approved an extension of the interim rate schedules for a period from February 25, 2008 to September 30, 2008. The rate schedules have been forwarded to FERC with a request for approval on a final basis. An updated study, dated February 2008, shows that existing rates are adequate to recover all costs required by present repayment criteria.

Southeastern is proposing to include \$19.7 million of replacements per year

from FY 2008 to FY 2028, for a total of \$394 million. Including this \$394 million, the existing rates are not adequate to recover all costs. A revised repayment study with a revenue increase of \$6,036,000 over the current study demonstrates that rates would be adequate to meet repayment criteria. The total revenue requirement is \$52,350,000. The additional revenue requirement amounts to a 13 percent increase in revenues.

Southeastern is including three rate alternatives per rate schedule. All of the rate alternatives have a revenue requirement of \$52,350,000, which includes the \$6,036,000 increase in revenue.

The first set includes the rates necessary to recover costs under the interim operating plan. These rates are based on energy. The rate is 13.29 mills per kilowatt-hour for all Cumberland energy. The customers will pay a ratable share of the transmission credit the Administrator of Southeastern Power Administration (Administrator) provides the Tennessee Valley Authority (TVA) as consideration for delivering capacity and energy for the account of the Administrator to points of delivery of Other Customers or interconnection points of delivery with other electric systems for the benefit of Other Customers, as agreed by contract between the Administrator and TVA. This rate will remain in effect as long as Southeastern is unable to provide capacity due to the Corps' imposed restrictions on the operation of the Wolf Creek Project.

The second rate alternative will recover cost from capacity and energy. This will be in effect once the Corps raises the lake level at the Wolf Creek Project. When the lake level rises and capacity is available, the capacity will be allocated to the customers.

The third rate alternative is based on the original Cumberland Marketing Policy. All costs are recovered from capacity and excess energy. The rates under this alternative are as follows:

#### CUMBERLAND SYSTEM RATES

TVA:	
Capacity .....	\$1.996 per kw/month.
Additional Energy .....	11.048 mills per kwh.
Outside Preference Customers (Excluding Customers served through Carolina Power & Light Company):	
Capacity .....	\$3.462 per kw/month.
Energy .....	11.048 mills per kwh.
Customers Served through Carolina Power & Light Company, Western Division:	
Capacity .....	\$3.940 per kw/month.
Transmission .....	\$1.1522 per kw/month.