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BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Federal Energy Management Advisory Committee

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Federal Energy Management Advisory Committee (FEMAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that these meetings be announced in the **Federal Register** to allow for public participation. This notice announces the eighth meeting of FEMAC, an advisory committee established under Executive Order 13123—Greening the Government through Efficient Energy Management."

**DATES:** Wednesday, June 9, 2004; 9 a.m. to 12 p.m.

**ADDRESSES:** U.S. Department of Energy, 1000 Independence Avenue, SW., Room Number 8E-089, Washington, DC 20585-0121.

**FOR FURTHER INFORMATION CONTACT:** Rick Klimkos, Designated Federal Officer, Office of Federal Energy Management Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-8287.

**SUPPLEMENTARY INFORMATION:** *Purpose of the Meeting:* To provide advice and guidance on a range of issues critical to

meeting mandated Federal energy management goals.

*Tentative Agenda:* Agenda will include discussions on the following topics:

- Review of FEMP activities.
- Report on FEMAC Working Groups.
- Discussion on FEMAC priorities.
- Votes on Working Group reports and recommendations.

*Public Participation:* In keeping with procedures, members of the public are welcome to observe the business of the Federal Energy Management Advisory Committee. If you would like to file a written statement with the committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Rick Klimkos at (202) 586-8287 or [rick.klimkos@ee.doe.gov](mailto:rick.klimkos@ee.doe.gov) (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The chair of the committee will make every effort to hear the views of all interested parties. The chair will conduct the meeting to facilitate the orderly conduct of business.

*Minutes:* The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on May 20, 2004.

**Rachel M. Samuel,**

*Deputy Committee Management Officer.*

[FR Doc. 04-11783 Filed 5-24-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER02-1406-001, et al.]

#### Acadia Power Partners, LLC, et al.; Order Implementing New Generation Market Power Analysis and Mitigation Procedures

Issued May 13, 2004.

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, and Joseph T. Kelliher

1. In this order, the Commission addresses the procedures for

implementing the new interim generation market power analysis and mitigation policy announced in the Commission's April 14, 2004 Order in *AEP Power Marketing, Inc., et al.*, 107 FERC ¶ 61,018 (2004), *reh'g pending* (SMA Rehearing Order). This order benefits customers by implementing the policies adopted in the SMA Rehearing Order, which improve the assessment and mitigation of generation market power in wholesale markets, thus better ensuring that prices charged for jurisdictional sales are just and reasonable.

#### Background

2. In an order issued on November 20, 2001,<sup>1</sup> the Commission announced a new generation market power test, the Supply Margin Assessment (SMA), to be applied to market-based rate applications on an interim basis pending a generic review of new methods for analyzing market power. It also established mitigation measures applicable to entities that fail the interim generation market power test.

3. In the SMA Rehearing Order, the Commission granted rehearing of the SMA Order to the extent that it replaced the SMA generation market power test with two "indicative screens" for assessing generation market power and modified the mitigation announced in the SMA Order. Concurrently with the SMA Rehearing Order, the Commission issued a notice establishing a generic rulemaking docket to initiate a comprehensive review of the appropriate analysis for granting market-based rate authority, in particular, the analysis of generation market power, transmission market power, other barriers to entry, and affiliate abuse and reciprocal dealing.<sup>2</sup> In the interim, the Commission indicated that the policies it was adopting in the SMA Rehearing Order (which deal with the generation market power part of the analysis) would apply to all pending and future market-based rate applications, including three-year market-based rate reviews, pending the completion of the market-based rate rulemaking. The Commission stated that it intended to issue a subsequent order addressing the implementation process for pending three-year market-based rate reviews as well as pending applications for initial market-based rate authority.

4. In the SMA Rehearing Order, the Commission stated it was not making

<sup>1</sup> See *AEP Power Marketing, Inc., et al.*, 97 FERC ¶ 61,219 (2001) (SMA Order).

<sup>2</sup> See Initiation of Rulemaking Proceeding on Market-Based Rates and Notice of Technical Conference, Docket No. RM04-7-000, 107 FERC ¶ 61,109 (2004).