

parties, are hereby invited to attend this meeting as participants.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PL02-8-000, ER96-2495-016, ER97-4143-004, ER97-1238-011, ER98-2075-010, ER98-542-006 (Not Consolidated), ER91-569-018, and ER97-4166-010]

Before Commissioners: Conference on Supply Margin Assessment, AEP Power Marketing, Inc., AEP Service, Corporation, CSW Power Marketing, Inc., CSW Energy Services, Inc., Central and South West Services, Inc., Entergy Services, Inc., Southern Company Energy Marketing L.P.; Supplemental Notice of Technical Conference on Supply Margin Assessment Screen and Alternatives

January 9, 2004.

The December 19, 2003, Notice of Technical Conference in this proceeding indicated that a technical conference will be held on January 13-14, 2004 from 9:30 a.m. to 4 p.m. in the Commission Meeting Room of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. The agenda for the technical conference is set forth in the Attachment to this notice.

The December 19, 2003, Notice of Technical Conference indicated that transcripts of the proceeding will be available for the public on the Commission's e-Library two weeks after the conference. Please note, however, that the transcripts will be available one week after the conference. In addition, Capitol Connection offers the opportunity for remote listening as well as viewing of the conference for a fee. Persons interested in this service should contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on "FERC."

Magalie R. Salas,
Secretary.

Supply Margin Assessment Technical Conference Agenda

January 13, 2004—Morning Session

9:30 a.m.-12 p.m.—Panel 1:
Discussion on Defining the Relevant

Geographic Markets, Including Transmission Considerations.

Opening comments and introduction by staff.

Presentations and reactions by panelists: Joe Pace, Director, LECG, LLC; John Apperson, Director of Trading, PacifiCorp; Jesse Tilton, CEO of Electricities of NC; Ricky Biddle, Vice President of Planning, Rates and Dispatching, Arkansas Electric Cooperative; Ron McNamara, Vice President of Regulatory Affairs and Chief Economist, MISO; Steven Corneli, Director of Regulatory Affairs, NRG Energy, Inc.

Open microphone.

This session will include a discussion of how transmission should be accounted for in the context of the interim generation dominance analysis and statutory deadlines. Transmission affects which generators are in the market, and how they should be accounted for in a screen. There is some overlap between this session and the afternoon session.

Specific topics to be discussed in this session include the following:

Should the relevant geographic market be defined as the control area? More broadly? More narrowly? Where can reliable data be found for markets that are not defined using control areas?

How to account for load pockets inside and outside of RTOs/ISOs;

How to account for transmission limitations;

—TTC, ATC, Historical;

—What is the public source of the information used;

How to account for competing supplies;

How much transmission capacity should be included in the analysis where transmission providers (whose control over transmission has not been transferred to an RTO or ISO) calculate the capacity and also participate in generation markets?

Where transmission or other operating constraints exist within a control area (such that some generators are not able to run to their maximum rated capacity), what percent of these generators' capacity should be included as participating in the market?

12 p.m.-1 p.m.—Lunch.

January 13, 2004—Afternoon Session

1 p.m.-4 p.m.—Panel 2: Discussion of the Appropriate Interim Generation Dominance Screen.

Opening comments and introduction by staff.

Presentations and reactions by panelists: Bill Marshall, Vice President of Fleet Operations and Trading, Southern Company; Steve Henderson,

Vice President, Charles River Associates; Michael Wroblewski, Assistant General Counsel for Policy Studies, Federal Trade Commission; Bob Stibolt, Senior Vice President of Risk Management, Tractebel Corporation; Gary Ackerman, Executive Director, Western Power Trading Forum; Denise Goulet, Senior Assistant Consumer Advocate, Pennsylvania Office of the Consumer Advocate.

Open microphone.

This session will include a discussion of staff's proposed interim generation dominance screens and alternative proposals offered by others.

Specific topics to be discussed in this session include the following:

Which approach is preferable for the interim screen: pivotal supplier? market share? other?

—Should the analysis be applied on a monthly or annual basis;

—Whether and how to capture generators' ability to withhold on non-peak days or over a sustained period of time;

How to determine capacity (installed and/or uncommitted);

How to determine "opportunity" demand under the Wholesale Market Share screen;

Whether and under what circumstances to adopt an ISO/RTO exemption.

January 14, 2004—Morning Session

9:30 a.m.-12 p.m.—Panel 3:

Discussion of the Appropriate Mitigation Measures for Those That Fail the Applicable Screen.

Opening comments and introduction by staff.

Presentations and reactions by panelists: Bill Hieronymus, Vice President, Charles River Associates; Bill Dudley, Assistant General Counsel of Xcel Energy Services Inc.; Pat Alexander, Energy Industry Advisor, Dickstein Shapiro Morin & Oshinsky; Don Sipe, Counsel with Preti Flaherty; Robert O'Neil, General Counsel, Golden Spread Electric Cooperative; Craig Roach, Partner, Boston Pacific Company.

Open microphone.

This session will include a discussion of staff's Proposed Price Mitigation Measures (Cost-Based Rates and Single Market Clearing Price) as well as alternatives proposed by others. Specific topics to be discussed in this session include the following: Which approach is preferable (cost-based rate, single market clearing price, or other), and to what products should the price mitigation apply;

Over what time period should price mitigation be applied (monthly, seasonally, daily);

Posting of Incremental/Decremental costs;

Other mitigation proposals (different from staff's proposals);

Revocation of market-based rate authority or use of formula rates;

Whether utilities that fail the interim generation dominance screen should be allowed to propose their own remedy;

The extent to which control of transmission may create opportunities for affiliate abuse or convey market power to those that own generation in the same market (and if so, should such entities be required to hand over control of transmission system to a third party);

Is mitigation only needed in the short term, or should it also apply in the long term (e.g., long-term contract mitigation);

Adopting a formula that sets a generic area-wide rate cap (e.g., using a cost of capital set by the State commission(s)).

12 p.m.–1 p.m.—Lunch.

January 14, 2004—Afternoon Session

1 p.m.–4 p.m.—Panel 4: Data Concerns and Miscellaneous Issues.

Opening comments and introduction by staff.

Presentations and reactions by panelists: Rodney Frame, Managing Partner, Washington Office of Analysis Group; Joe Pace, Director, LECG, LLC; Seabron Adamson, Director, Tabors, Caramoni & Associates; William Townsend, Senior Director of Database and Spatial, Platt's Energy Information and Trading Services; Steve Schleimer, Director of Market and Regulatory Affairs, Calpine Corp.

Open microphone.

Specific topics to be discussed in this session include the following:

Restrictions on data access, related to security concerns or critical infrastructure (including confidentiality issues);

Data concerns;

Supply, demand (native load), outages, accuracy of FERC forms;

Public accessibility to information used, and cost to obtain it;

Accuracy of and access to OASIS postings;

Definitions and conforming to NERC terms where possible;

How should the generation dominance screen be used—as a definitive test or an indicative test? If indicative, does screen failure result in a hearing or additional studies? Should the Commission consider other measures of market power in generation markets in determining whether to grant market-based rate authority (e.g., monopsony power)?

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ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6647–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 4, 2003 (68 FR 16511).

Draft EISs

ERP No. D–AFS–G65091–NM Rating LO, Surface Management of Gas Leasing and Development in the Carson National Forest, Implementation, Jicarilla Ranger District, Rio Arriba County, NM.

Summary: EPA has no objections to the proposed action since the project includes mitigation and site specific Conditions of Approval (COA)'s.

ERP No. D–AFS–J65395–WY Rating EC2, Lost Cabin Mine Project, Improvement of Historic Mining Road (Way 4170H) to Allow Motorized Access to the Lost Mine for Mineral Exploration, Plan-of -Operations, Medicine-Bow Routt National Forests and Thunder Basin National Grassland, Carbon County, WY.

Summary: EPA expressed environmental concerns with potential impacts to water quality. The final EIS should include more information on the potential of the mining exploration to cause acid mine drainage.

ERP No. D–AFS–J65398–MT Rating EC2, Judith Restoration Project, Proposal to Maintain and/or Restore Healthy Soil, Water and Vegetation Conditions, Lewis and Clark National Forest, Judith Ranger District, Judith Basin County, MT.

Summary: EPA expressed environmental concerns with potential impacts to water quality, fisheries, and consistency of project activities with State/EPA development of TMDLs and Water Quality Restoration Plans to address impairments in the 303(d) listed South Fork Judith River. EPA recommended modifications in the final EIS to address these issues.

ERP No. D–AFS–K65261–CA Rating EC2, Larson Reforestation and Fuel Reduction Project, Implementation, Stanislaus National Forest, Groveland

Ranger District, Mariposa and Tuolumne Counties, CA.

Summary: EPA expressed environmental concerns regarding the potential impacts to aquatic habitat as a result of aerial herbicide applications. EPA requested additional information regarding Best Management Practices, a more extensive cumulative impacts analysis, and including recent studies regarding impacts of nonylphenol and its ethoxylates on riparian ecosystems.

ERP No. D–BLM–J02041–WY Rating EC2, Desolation Flats Natural Gas Field Development Project, Drilling Additional Development Wells, Carbon and Sweetwater Counties, WY.

Summary: EPA expressed environmental concerns with potential adverse impacts to air quality, water quality and wildlife. EPA requested that the final EIS identify additional mitigation for air quality impacts and to include benefits and costs of implementation. EPA recommended updating visibility and lake acidification impacts and including mitigation to reduce additional emissions in Class 1 areas. The final EIS should add mitigation that would reduce storm water runoff from well pads, compressor stations and other disturbed areas related to project development.

ERP No. D–FHW–C40160–NY Rating EC2, Cumberland Head Connector Road Construction, County Road 57 between U.S. 9 and the Peninsula (known as the Parkway), Funding, Town of Plattsburg, Clinton County, NY.

Summary: EPA has environmental concerns regarding the alternative analysis, the direct/indirect impacts to wetlands and the appropriate mitigation requirements, and the need for further mitigation of stormwater runoff associated with the project.

ERP No. D–FHW–E40800–FL Rating EC2, Indian Street Bridge PD&E Study, New Bridge Crossing of the South Fork of the St. Lucie River County Road 714 (Martin Highway)/SW 36th Street/ Indian Street from Florida's Turnpike to East of Willoughby Boulevard, Martin County, FL.

Summary: EPA has environmental concerns with the proposed project regarding the long term impacts and the continued degradation to aquatic resources of the St. Lucie River. Deficiencies have been identified in the alternatives analysis and consideration of options for mitigating adverse impacts. In addition, indirect and cumulative impacts were not assessed adequately in the DEIS.

ERP No. D–FRC–G02012–TX Rating EC2, Freeport Liquefied Natural Gas (LNG) Project, To Deliver Imported