

conditions for such service must be pursuant to a rate schedule on file with the Commission,²⁵ even though the rate schedule would provide no compensation for such service.²⁶ The Commission directs staff to conduct a workshop, in a generic proceeding, to explore the mechanics of public utilities filing reactive power rate schedules for which there is no compensation.

13. This policy is consistent with the Commission's precedent distinguishing between a changed rate and an initial rate.²⁷ In *Southwestern Electric Power*

²⁵ We note that our *pro forma* large generator interconnection agreement, in section 9.6, governs the provision of reactive power by an interconnection customer, i.e., by a generator, including the instance where an interconnection customer, i.e., a generator, may charge for reactive power outside the deadband. Absent payment to the transmission provider's own or affiliated generators, our longstanding policy has been that a transmission provider does not have to separately pay an interconnection customer, i.e., a generator, for reactive power within the deadband.

²⁶ 16 U.S.C. 824d(c) (2006) (requiring that "every public utility shall file with the Commission . . . schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classification, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such rates, charges, classifications, and services"); *Prior Notice and Filing Requirements under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,987, *order on reh'g*, 65 FERC ¶ 61,081 (1993) (stating that the Commission has considerable flexibility in determining what rates and practices are "for or in connection with," "affecting," "pertaining" or "relat[ing] to" jurisdictional service and, accordingly, must be filed for Commission review); *Sulphur Springs Valley Elec. Coop.*, 107 FERC ¶ 61,284, at P 7 (2004) (finding that the public utility was obligated to file two agreements for jurisdictional services even though there were no specified charges or revenues associated with the agreements).

²⁷ See, e.g., *WPS Canada Generation, Inc.*, 103 FERC ¶ 61,193, at P 15 (2003) (finding that a particular facility had been providing reactive power service to Maine Public for years, although under different ownership, and, therefore, the proposed rates were changed rates rather than initial rates); *Calpine Oneta Power, L.P.*, 103 FERC ¶ 61,338, at P 11 (2003) (finding that the Oneta Project had been supplying reactive power to Public Service Company of Oklahoma, although without charge); *Public Service Co. of Colorado*, 74 FERC ¶ 61,354, at 62,087 & n.2 (1996) (finding that a power supply agreement with Glenwood Springs adds a new customer to an existing service and, therefore, constitutes a changed rate); *Northern States Power Co.*, 74 FERC ¶ 61,106, at 61,345 (1996) (finding that Northern States's filing was a changed rate because it unbundled its requirements rates to provide for separately-stated charges for various types of transmission); *Gulf States Utilities Co.*, 45 FERC ¶ 61,246, at 61,725 (1988) (finding that a rate schedule for transmission service was a changed rate because Gulf States was already providing service to Lafayette and Plaquemine and the present filing merely provided for a different service to existing customers); *Florida Power & Light Co. v. FERC*, 617 F.2d 809, 813–17 (D.C. Cir. 1980) (finding that the Commission had a reasonable basis for changing its policy so as to treat transmission agreement schedules as changed rates subject to the Commission's suspension and refund powers, in light of previously existing interchange agreements, rather than initial rates not subject to such powers).

Co., the Commission defined an initial rate as one that provides for a new service to a new customer.²⁸ The Commission explained: "We believe that our broadened definition of a change in rate is consistent with and serves to further the policies which underlie the FPA. The primary purpose of the legislation is the protection of customers from excessive rates and charges."²⁹ The Commission emphasized that this definition of a changed rate allowed the Commission to give customers refund protection and, therefore, shield them from the ability of utilities to exploit any sort of regulatory lag by filing unjust and unreasonable rates.³⁰ Stressing this policy of protecting customers, the Commission stated: "Taking a broad view as to what constitutes a change in rate clearly serves, by making filings subject to the Commission's suspension and refund authority under section 205(e) of the FPA, to protect customers of electricity from excessive or exploitative rates."³¹

14. As we explain below, because our policy is being clarified and we are prospectively providing for the filing of rates, terms and conditions for the provision of reactive power service (even within-the-deadband reactive power service) for which there is no compensation, we find that it would be appropriate for Chehalis to recover the amounts it previously refunded to BPA, with interest calculated in accordance with 18 CFR 35.19a (2013).³² The DC Circuit has recognized the Commission's authority to order recoupment of funds previously paid if the Commission provides adequate

²⁸ 39 FERC ¶ 61,099, at 61,293 (1987) (*Southwestern*).

²⁹ *Id.* (citing *Town of Alexandria v. FPC*, 555 F.2d 1020, 1028 (D.C. Cir. 1977); *Municipal Light Boards v. FPC*, 450 F.2d 1341, 1348 (D.C. Cir. 1971); *Atlantic Refining Co. v. Public Service Commission of New York*, 360 U.S. 378, 388 (1959); *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, 610 (1944)).

³⁰ The Commission recognizes that section 206 of the FPA has been modified since the issuance of *Southwestern*. While the new section 206 has eliminated some of the differences underlying the finding in *Southwestern*, a fundamental difference still exists between the refund protection provided under section 205 of the FPA (suspension and refund protection for the entire period the filed rate is collected prior to issuance of a final Commission order) and section 206 (refund protection limited to a 15-month period). Thus, the Commission reaffirms its definitions of initial and changed rates in order to carry out the primary purpose of the statute, i.e., to protect customers from excessive rates and charges. See, e.g., *Southwestern*, 39 FERC ¶ 61,099.

³¹ *Id.*

³² *Niagara Mohawk Power Corp. v. FPC*, 379 F.2d 153, 159 (D.C. Cir. 1967) (breadth of Commission discretion is at its zenith when fashioning remedies).

explanation.³³ In the instant case, we find the recoupment of funds would be appropriate.³⁴ The Commission is clarifying its policy and, as explained above, finding that, with regard to jurisdictional reactive power service (even within-the-deadband reactive power service) for which there is no compensation, on a prospective basis rate schedules governing the rates, terms, and conditions for such service must be on file with the Commission.³⁵ Therefore, given that we are applying this policy on a prospective basis, we find that it would be appropriate for Chehalis to recover the amounts previously refunded to BPA, with interest.

The Commission orders:

The Secretary is hereby directed to promptly publish a copy of this order in the **Federal Register**.

By the Commission.

Issued October 17, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013–24756 Filed 10–22–13; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–3–000]

Notice of Request Under Blanket Authorization; Petal Gas Storage, LLC.

Take notice that on October 9, 2013, Petal Gas Storage, L.L.C. (Petal), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed in Docket No. CP14–3–000, a prior notice request pursuant to sections 157.205 and 157.214 of the Commission's Regulations under the Natural Gas Act (NGA) as amended, requesting authorization to increase its maximum storage capacity in the Petal Salt Dome's Cavern 12A, located in Forrest County, Mississippi, from 8.2 Bcf to 9.26 Bcf, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link.

³³ *Black Oak Energy, LLC v. FERC*, 725 F.3d 230 (D.C. Cir. 2013).

³⁴ *Cf. Transmission Agency of Northern California v. FERC*, 495 F.3d 663 (2007).

³⁵ The Commission also clarifies that it does not intend to exercise its authority to impose enforcement sanctions for a jurisdictional entity's failure, prior to this order, to have a rate schedule on file for the provision of reactive power service without compensation. However, jurisdictional entities are reminded that they must submit filings on a timely basis in the future or face possible sanctions by the Commission.

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 or toll free at (866) 208-3676, or TTY, contact (202) 502-8659.

Any questions concerning this application may be directed to J. Kyle Stephens, Vice President, Regulatory Affairs or M.L. Gutierrez, Director, Regulatory Affairs, by telephone at (713) 479-8252, by facsimile at (713) 479-1745, or by email at Kyle.Stephens@bwpmlp.com or Nell.Gutierrez@bwpmlp.com.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive

copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: October 16, 2013.

Kimberly D. Bose,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9901-90-OEI]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566-1682, or email at westlund.rick@epa.gov and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 2045.05; NESHAP for Automobile and Light-duty Truck

Surface Coating; 40 CFR part 63 subparts A and III; was approved on 09/09/2013; OMB Number 2060-0550; expires on 09/30/2016; Approved without change.

EPA ICR Number 1967.05; NESHAP for Stationary Combustion Turbines; 40 CFR part 63 subparts A and YYYY; was approved on 09/09/2013; OMB Number 2060-0540; expires on 09/30/2016; Approved without change.

EPA ICR Number 1759.06; Pesticide Worker Protection Standard Training and Notification; 40 CFR part 170; was approved on 09/12/2013; OMB Number 2070-0148; expires on 09/30/2016; Approved with change.

EPA ICR Number 1031.10; Recordkeeping and Reporting Requirements for Allegations of Significant Adverse Reactions to Human Health or the Environment (TSCA Section 8(c)); 40 CFR part 717; was approved on 09/12/2013; OMB Number 2070-0017; expires on 09/30/2016; Approved with change.

EPA ICR Number 2456.01; Willingness to Pay for Improved Water Quality in the Chesapeake Bay (New); was approved on 09/17/2013; OMB Number 2010-0043; expires on 09/30/2015; Approved with change.

EPA ICR Number 1664.09; National Oil and Hazardous Substances Pollution Contingency Plans (Renewal); 40 CFR 300.900; was approved on 09/23/2013; OMB Number 2050-0141; expires on 09/30/2016; Approved without change.

EPA ICR Number 1086.11; NSPS for Onshore Natural Gas Processing Plants; 40 CFR part 60 subparts A, KKK, LLL; was approved on 09/23/2013; OMB Number 2060-0120; expires on 03/31/2014; Approved without change.

EPA ICR Number 2127.03; Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes (Final Rule); 40 CFR 261.4(a)(26) and 261.4(b)(18); was approved on 09/23/2013; OMB Number 2050-0209; expires on 09/30/2016; Approved without change.

EPA ICR Number 2358.04; Nitrogen Oxides Ambient Air Monitoring (Renewal); 40 CFR part 58; was approved on 09/25/2013; OMB Number 2060-0638; expires on 09/30/2016; Approved without change.

EPA ICR Number 1659.08; NESHAP for Gasoline Distribution Facilities; 40 CFR part 63 subparts A and R; was approved on 09/25/2013; OMB Number 2060-0325; expires on 09/30/2016; Approved without change.

EPA ICR Number 1696.08; Fuels and Fuel Additives: Health-Effects Research Requirements for Manufacturers; 40 CFR part 79 subpart F; was approved on 09/30/2013; OMB Number 2060-0297;