

residential condensing clothes dryer pursuant to this test procedure.

Dates

This Decision and Order is effective June 8, 2011.

Supplementary Information

In accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 430.27(l), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants BSH a waiver from the applicable residential clothes dryer test procedure at 10 CFR Part 430 subpart B, appendix D, for the two models of condensing clothes dryer specified in its petition.

ii. Excerpts from previous BSH petition for waiver

a. DOE's existing test procedure for clothes dryers requires the use of an exhaust restrictor to simulate the backpressure effects of a vent tube in an installed condition. And the test procedure does not provide any definition or mention of condenser clothes dryers. Since BSH's condenser clothes dryers do not have an exhaust vent and the DOE test procedure does not provide any definition or mention of condenser clothes dryers, the products cannot be tested in accordance with the test procedure. Thus, the test procedure does not apply to them. Consequently, the DOE energy conservation standard for clothes dryers does not apply to BSH condenser dryers since the DOE standard must be "determined in accordance with test procedures prescribed under section 6293 of this title." 42 U.S.C. 6291(6).

b. Further, the test procedure does not provide any definition or mention of condenser clothes dryers. The waiver should remain in effect until DOE prescribes final test procedures and minimum energy conservation standards appropriate to BSH's condenser clothes dryers.

c. A warranted waiver is borne out by the fact that DOE has granted a waiver to Miele for the same type of product. 60 FR 9330 (Feb. 17, 1995). DOE stated: "The Department agrees with Miele and AHAM that the condenser clothes dryer offers the consumer additional utility, and is justified to consume more energy (lower energy factor) versus non-condenser clothes dryers. Furthermore, the Department believes that the existing clothes dryer test procedure is not applicable to the Miele condenser clothes dryers. This assertion is based on the fact that the existing test procedure requires the use of an exhaust restrictor and does not provide any definition or mention of condenser clothes dryers. The Department agrees

with Miele that the current clothes dryer minimum energy conservation standard does not apply to Miele's condenser clothes dryers. Today's Decision and Order exempts Miele from testing its condenser clothes dryer and determining an Energy Factor. The Department is not publishing an amended test procedure for Miele at this time because there is not any reason to. The existing minimum energy conservation standard for clothes dryers is not applicable to the Miele condenser clothes dryer. Furthermore, the FTC does not have a labeling program for clothes dryers, therefore, Miele is not required to test its condenser clothes dryers."

d. The basic purpose of the Energy Policy and Conservation Act, as amended by the National Appliance Energy Conservation Act, is to foster purchase of energy-efficient appliances, not hinder such purchases. The BSH condenser clothes dryer makes a dryer available to households where for physical, structural reasons a vented dryer could otherwise not be installed. BSH condenser clothes dryers thus offer benefits in the public interest. To encourage and foster the availability of these products is in the public interest. Standards programs should not be used as a means to block innovative, improved designs.² DOE's rules thus should accommodate and encourage—not act to block—such a product.

e. Granting the interim waiver and waiver would also eliminate a non-tariff trade barrier. In addition, grant of relief would help enhance economic development and employment, including not only BSH's operations in California, North Carolina, and Tennessee, but also at major national retailers and regional dealers that carry BSH products. Furthermore, continued employment creation and ongoing investments in its marketing, sales and servicing activities will be fostered by approval of the interim waiver. Conversely, denial of the requested relief would harm the company and would be anticompetitive.

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² See FTC Advisory Opinion No. 457, TRRP 1718.20 (1971 Transfer Binder); 49 FR 32213 (Aug. 13, 1984); 52 FR 49141, 49147-48 (Dec. 30, 1987).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13-43-000.

Applicants: Battery Utility of Ohio, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Battery Utility of Ohio, LLC.

Filed Date: 6/11/13.

Accession Number: 20130611-5133.

Comments Due: 5 p.m. ET 7/2/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1569-003; ER12-21-007; ER10-2783-005; ER10-2784-005; ER11-2855-007; ER10-2791-005; ER10-2792-005; ER10-1564-004; ER10-1565-004; ER10-2795-005; ER10-2798-005; ER10-1575-003; ER10-2799-005; ER10-2801-005; ER11-3727-004; ER10-1566-004; ER12-2413-003; ER11-2062-004; ER10-1291-005; ER10-2812-004; ER10-2843-003; ER11-4307-004; ER12-1711-004; ER10-2846-005; ER12-261-003; ER10-2871-003; ER13-1136-002; ER10-2875-005; ER10-1568-004; ER10-1581-006; ER10-2876-005; ER10-2878-005; ER10-2879-005; ER10-2880-005; ER10-2888-005; ER10-2896-005; ER10-2913-005; ER10-2914-005; ER10-2916-005; ER10-2915-005; ER12-1525-004; ER12-2019-003; ER12-2398-003; ER10-1582-003; ER11-3459-003; ER10-2931-005; ER10-2969-005; ER11-4308-004; ER10-1580-006; ER11-2856-007; ER11-2857-007; ER10-2947-005; ER11-2504-003; ER11-2505-003; ER11-2864-003; ER11-2506-003; ER11-2508-003; ER12-2137-003; ER11-2510-003; ER12-2545-003; ER11-2863-003; ER11-2854-003; ER11-2513-003; ER11-2515-003; ER11-2742-003; ER11-2784-003; ER11-2805-003; ER10-3143-006.

Applicants: NRG Power Marketing LLC, NRG Power Marketing LLC, Agua Caliente Solar, LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Avenal Park LLC, Bayou Cove Peaking Power LLC, Big Cajun I Peaking Power LLC, Cabrillo Power I LLC, Cabrillo Power II LLC, Conemaugh Power LLC, Connecticut Jet Power LLC, Cottonwood Energy Company, LP, Devon Power LLC, Dunkirk Power LLC, El Segundo Energy Center LLC, El Segundo Power,

LLC, Energy Alternatives Wholesale, LLC, Energy Plus Holdings LLC, GenCon Devon LLC, GenCon Energy LLC, GenCon Middletown LLC, Green Mountain Energy Company, High Plains Ranch II, LLC, Huntley Power LLC, Independence Energy Group LLC, Indian River Power LLC, Ivanpah Master Holdings, LLC, Keystone Power LLC, Long Beach Generation LLC, Long Beach Peak LLC, Louisiana Generating LLC, Middletown Power LLC, Montville Power LLC, NEO Freehold-Gen LLC, Norwalk Power LLC, NRG Energy Center Dover LLC, NRG Energy Center Paxton LLC, NRG New Jersey Energy Sales LLC, NRG Rockford LLC, NRG Rockford II LLC, NRG Solar Alpine LLC, NRG Solar Avra Valley LLC, NRG Solar Borrego I LLC, NRG Solar Blythe LLC, NRG Solar Roadrunner LLC, NRG Sterlington Power LLC, Oswego Harbor Power LLC, Reliant Energy Northeast LLC, Saguaro Power Company, A Limited Partnership, Sand Drag LLC, Sun City Project, Vienna Power LLC, GenOn Bowline, LLC, GenOn Canal, LLC, GenOn Chalk Point, LLC, GenOn Delta, LLC, GenOn Energy Management, LLC, GenOn Florida, LP, GenOn Kendall, LLC, GenOn Marsh Landing, LLC, GenOn Mid-Atlantic, LLC, GenOn Potomac River, LLC, GenOn Power Midwest, LP, GenOn REMA, LLC, GenOn West, LP, GenOn Wholesale Generation, LP, RRI Energy Services, LLC, Sabine Cogen, LP.

Description: Notice of Non-Material Change in Status of NRG Power Marketing LLC, et al.

Filed Date: 6/11/13.

Accession Number: 20130611-5148.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER12-1653-003.

Applicants: New York Independent System Operator, Inc.

Description: NYISO refile of Order No 755 tariff revisions to set effective date to be effective 6/26/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5132.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1662-000.

Applicants: Electric Energy, Inc.

Description: Modification No. 23 to be effective 6/1/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5114.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1663-000.

Applicants: Southern California Edison Company.

Description: Revised Added Facilities Rate for Agmts under WDAT to be effective 1/1/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5116.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1664-000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: 06-11-13 MISO name change filing.v2 to be effective 6/1/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5121.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1665-000.

Applicants: Novo BioPower LLC.

Description: Novo Biopower, LLC Market-Based Rate Tariff Initial Filing to be effective 7/1/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5123.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1666-000.

Applicants: Southern California Edison Company.

Description: GIA and Distribution Serv Agmt with Chevron Products Company to be effective 5/11/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5124.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1667-000.

Applicants: Battery Utility of Ohio, LLC.

Description: Application for Market-Based Rate Authorization to be effective 8/11/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5130.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1668-000.

Applicants: PCF2, LLC.

Description: Notice of Cancellation to be effective 6/12/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5134.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1669-000.

Applicants: Calpine Power America—OR, LLC.

Description: Notice of Cancellation to be effective 6/12/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5135.

Comments Due: 5 p.m. ET 7/2/13.

Docket Numbers: ER13-1670-000.

Applicants: CES Marketing V, LLC.

Description: Notice of Succession to be effective 6/12/2013.

Filed Date: 6/11/13.

Accession Number: 20130611-5136.

Comments Due: 5 p.m. ET 7/2/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13-23-000.

Applicants: New Hampshire Transmission, LLC.

Description: New Hampshire Transmission, LLC's Amendment to May 7, 2013 Application for Authorization to Issue Long-Term Debt Securities under Section 204.

Filed Date: 6/11/13.

Accession Number: 20130611-5145.

Comments Due: 5 p.m. ET 6/21/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date.

Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: June 12, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13-104-000.

Applicants: Chisholm View Wind Project, LLC.

Description: Amendment to Application for Authorization Under Section 203 of the Federal Power Act of Chisholm View Wind Project, LLC.

Filed Date: 6/6/13.

Accession Number: 20130606-5054.

Comments Due: 5 p.m. ET 6/17/13.

Docket Numbers: EC13-105-000.

Applicants: Prairie Rose Wind, LLC, Prairie Rose Transmission, LLC.

Description: Amendment to Joint Application for Authorization Under Section 203 of the Federal Power Act of Prairie Rose Transmission, LLC, et. al.

Filed Date: 6/6/13.

Accession Number: 20130606-5053.

Comments Due: 5 p.m. ET 6/17/13.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13-38-000.

Applicants: Chestnut Flats Lessee, LLC.