

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. EL03-204-000]

**AES Somerset, LLC, Complainant, v.
Niagara Mohawk Power Corporation,
Respondent; Notice of Complaint**

June 26, 2003.

Take notice that on June 25, 2003, AES Somerset, LLC (Somerset) filed a complaint against Niagara Mohawk Power Corporation (Niagara Mohawk), requesting that the Federal Energy Regulatory Commission (Commission) issue an order prohibiting Niagara Mohawk from requiring Somerset's generating facility to pay retail tariff charges for self-supplied station power, including retail charges for transmission and distribution service and stranded cost recovery, and barring Niagara Mohawk from taking steps or actions to disconnect the generating facility from the New York State bulk power transmission system.

Any person desiring to be heard or to protest this filing should file 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 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. The answer to the complaint and all comments, interventions or protests must be filed on or before the comment date below. This filing is 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 "FERRIS" 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 or toll-free at (866)208-3676, or for TTY, contact (202)502-8659. The answer to the complaint, 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.

Comment Date: July 15, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-16745 Filed 7-2-03; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket Nos. EI03-127-000 et al.]

**American Electric Power Service
Corporation et al.; Order To Show
Cause Concerning Gaming and/or
Anomalous Market Behavior**

Issued June 25, 2003.

Before Commissioners: Pat Wood, III,
Chairman; William L. Massey, and
Nora Mead Brownell.

In the matter of: EL03-137-000, EL03-138-000, EL03-139-000, EL03-140-000, EL03-141-000, EL03-142-000, EL03-143-000, EL03-144-000, EL03-145-000, EL03-146-000, EL03-147-000, EL03-148-000, EL03-149-000, EL03-150-000, EL03-151-000, EL03-152-000, EL03-153-000, EL03-154-000, EL03-155-000, EL03-156-000, EL03-157-000, EL03-158-000, EL03-159-000, EL03-160-000, EL03-161-000, EL03-162-000, EL03-163-000, EL03-164-000, EL03-165-000, EL03-166-000, EL03-167-000, EL03-168-000, EL03-169-000, EL03-170-000, EL03-171-000, EL03-172-000, EL03-173-000, EL03-174-000, EL03-175-000, EL03-176-000, EL03-177-000, EL03-178-000, EL03-179-000: American Electric Power Service Corporation, Aquila, Inc., Arizona Public Service Company, Automated Power Exchange, Inc., Bonneville Power Administration, California Department of Water Resources, California Power Exchange, Cargill-Alliant, LLC, City of Anaheim, California, City of Azusa, California, City of Glendale, California, City of Pasadena, California, City of Redding, California, City of Riverside, California, Coral power, LLC, Duke Energy Trading and Marketing Company, Dynegy Power Marketing Inc., Dynegy Power Corp., El Segundo Power, LLC, Long Beach Generation LLC, Cabrillo Power I LLC, and Cabrillo Power II LLC, Enron Power Marketing, Inc. and Enron Energy Services Inc., F P & L Energy, Idaho Power Company, Los Angeles Department of Water and Power, Mirant Americans Energy marketing, LP, Mirant California, LLC, Mirant Delta, LLC, and Mirant Potrero, LLC, Modesto Irrigation District, Morgan Stanley Capital Group, Northern California Power Agency, Pacific Gas

and Electric Company, PacifiCorp, PGE Energy Services, Portland General Electric Company, Powerex Corporation, (f/k/a British Columbia Power Exchange Corp.), Public Service Company, of Colorado, Public Service Company of New Mexico, Puget Sound Energy, Inc., Reliant Resources, Inc., Reliant Energy Power Generation, and Reliant Energy Services, Inc., Salt River Project Agricultural Improvement and Power District, San Diego Gas & Electric Company, Sempra Energy Trading Corporation, Sierra Pacific Power Company, Southern California Edison Company, TransAlta Energy marketing (U.S.) Inc. and TransAlta Energy Marketing (California), Inc., Tucson Electric Power Company, Western Area Power Administration, Williams Energy Services Corporation.

I. Introduction

1. As discussed below, the entities listed in the caption (Identified Entities) appear to have participated in activities (Gaming Practices), that constitute gaming and/or anomalous market behavior in violation of the California Independent System Operator Corporation's (ISO) and California Power Exchange's (PX) tariffs during the period January 1, 2000 to June 20, 2001, that warrant a monetary remedy of disgorgement of unjust profits and that may warrant other additional, appropriate non-monetary remedies. These determinations are based on certain of the tariffs' provisions, an ISO study, a report by Commission Staff, and evidence and comments submitted by market participants.

2. As the Identified Entities appear to have participated in activities that constitute gaming and/or anomalous market behavior in violation of the ISO and PX tariffs, this order directs the Identified Entities, in a trial-type evidentiary hearing to be held before an administrative law judge (ALJ), to show cause why their behavior, as set forth *infra*, during the period January 1, 2000 to June 20, 2001¹ does not constitute gaming and/or anomalous market behavior as defined in the ISO and PX

¹ June 20, 2001 has been selected as the end date of the relevant period in this proceeding when a prospective mitigation and market monitoring plan took effect. See *infra* note 56; see San Diego Gas & Electric Co., et al., 95 FERC ¶ 61,115 (April 26, 2001 Order), order on reh'g, 95 FERC ¶ 61,418 (2001) (June 19, 2001 Order) (In the April 26, 2001 Order, the Commission issued a prospective mitigation and market monitoring plan for wholesale sales through the organized real-time markets operated by the ISO; the Commission acted on requests for rehearing and clarification of the April 26, 2001 Order on June 19, 2001, modifying and expanding the mitigation plan, effective June 20, 2001.)