

reporting requirements due to the holding company system's ownership of out-of-state EWGs, FUCOs and QFs.⁹

Requests for Rehearing

4. APPA/NRECA and FMPA/Seminole envision a holding company system whose traditional utility operations are confined to one state but that has EWGs, FUCOs and QFs in multiple jurisdictions. They assert that, if such a holding company system is not subject to the Commission's PUHCA 2005 accounting, record retention and reporting requirements, regulators will have insufficient access to the holding company system's accounts and records and therefore will be unable to protect against misallocations of costs and other potential abuses within the holding company system.

Decision

5. In adopting the SEC's 13 percent of revenue standard (and exclusion of EWGs, FUCOs and QFs from consideration in the 13 percent of revenue calculation) for purposes of determining who qualifies for the single state holding company waiver of the Commission's PUHCA 2005 accounting, record retention and reporting requirements, the Commission sought to be consistent with the general intent of Congress, in repealing PUHCA 1935, to remove unnecessary regulatory burdens and not to create new ones in PUHCA 2005. Furthermore, APPA/NRECA and FMPA/Seminole have presented no convincing argument that other state and federal regulation will be insufficient to protect against abuse in the circumstances envisioned by APPA/NRECA and FMPA/Seminole, without imposition of the Commission's PUHCA 2005 accounting, record retention and reporting requirements. The Commission will still have full access under the FPA to the accounts and records of the traditional public utility within the holding company system (*i.e.*, the utility with captive customers and traditional regulated rates) and of the holding company and any other company controlled by the holding company, insofar as they relate to transactions with or the business of the public utility.¹⁰ From those accounts and records, the Commission will be able to discern whether the public utility is attempting to recover, from its captive customers, costs that are

properly attributable to other businesses within the holding company system.

6. Moreover, with respect to state regulatory authority access to books and records of holding companies and their associate and affiliate companies, nothing in our waivers affects section 1265 of PUHCA 2005, which expressly provides for such access.¹¹ We add that no state regulatory authority has suggested that it has insufficient authority in the circumstances envisioned.

7. For these reasons, we deny rehearing.

The Commission Orders

APPA/NRECA's and FMPA/Seminole's requests for rehearing are hereby denied.

By the Commission.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-07-016]

Drawbridge Operation Regulations; Housatonic River, Stratford, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Metro North Devon Bridge, across the Housatonic River, mile 3.9, at Stratford, Connecticut. Under this temporary deviation the draw may remain in the closed position from 8 a.m. through 11 p.m. on March 3, 2007. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from 8 a.m. through 11 p.m. on March 3, 2007.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal

holidays. The telephone number is (212) 668-7165. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Metro North Devon Bridge across the Housatonic River, mile 3.9, at Stratford, Connecticut, has a vertical clearance in the closed position of 19 feet at mean high water and 25 feet at mean low water. The existing operating regulations are listed at 33 CFR 117.207(b).

The bridge owner, Metro North, requested a temporary deviation to allow the bridge to remain in the closed position to facilitate scheduled bridge maintenance. Under this temporary deviation the Metro North Devon Bridge may remain in the closed position from 8 a.m. through 11 p.m. on March 3, 2007.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 15, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-07-015]

Drawbridge Operation Regulations; Reynolds Channel, New York, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Long Island Railroad Bridge, across Reynolds Channel, mile 4.4, at New York City, New York. Under this temporary deviation the draw may remain in the closed position for 24-hours on both March 3, 2007 and March 10, 2007. This deviation is necessary to facilitate scheduled bridge maintenance.

⁹ Order No. 667-B, FERC Stats. & Regs. ¶ 31,224 at P 20-22.

¹⁰ 16 U.S.C. 824d-e, 825; Order No. 667, FERC Stats. & Regs. ¶ 31,197 at P 3-6; *accord* 15 U.S.C. 717c-d, 717g (identifying Commission authority with respect to natural gas companies).

¹¹ 42 U.S.C. 16453. The Federal Power Act, in particular section 201(g), 16 U.S.C. 824(g), also grants state regulatory authorities certain access to books and records.