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Magalie R. Salas,  
*Secretary*.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL04-11-000, PA04-14-000, EL04-52-000, ER03-262-009 et al., ER04-691-000 and EL04-104-000, ER04-367-000 et al., ER04-521-001 et al., ER04-375-000 et al., ER04-364-000, PL04-5-000]

**Summer 2004 Reliability Workshop, Ohio Edison Company, Toledo Edison Company, Cleveland Electric Illuminating Company, and Pennsylvania Power Company, Reporting by Transmission Providers on Vegetation Management Practices Related to Designated Transmission Facilities, New PJM Companies, et al., Midwest Independent Transmission, System Operator, Inc. et al., PJM Interconnection, LLC et al., PJM Interconnection, LLC, Midwest Independent Transmission System Operator, Inc. et al., Commonwealth Edison Company et al., Policy Statement on Matters Related to Bulk Power System Reliability; Notice of Technical Conference**

June 21, 2004.

Take notice that a technical conference will be held to address what steps have been taken to prevent a blackout reoccurrence and discuss related reliability issues in the Midwest for the Summer 2004, on Thursday, July 15, from approximately 9 a.m. to 4:30 p.m. (eastern daylight time) at the Renaissance Cleveland Hotel, 24 Public Square, Cleveland, Ohio. Members of the Commission will attend and participate in the discussions.

The Renaissance Cleveland Hotel is holding a block of rooms for attendees at the rate of \$139 for the evening of July 14. For reservations call 1-800-HOTELS-1 or (216) 696-5600.

The conference is open for the public to attend, and registration is not required; however, in-person attendees are asked to register for the conference on-line by close of business on Thursday, July 8, at <http://www.ferc.gov/whats-new/registration/reliability-workshop-0715-form.asp>.

A tentative agenda for this meeting is included with this notice as Attachment A. The discussion covers responses to the 2003 blackout, preparations for Summer 2004, electricity infrastructure

issues, and longer-term reliability issues. A more detailed agenda, with a list of speakers, will be published at a later time.

The meeting was established in response to an invitation by Governor Bob Taft of Ohio to convene a public forum and technical conference to address these issues. The conference will also enjoy the participation of members of the Public Utilities Commission of Ohio.

Transcripts of the conference will be immediately available from Ace Reporting Company ((202) 347-3700 or 1-800-336-6646) for a fee. They will be available for the public on the Commission's eLibrary system seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity for remote listening of the conference via Real Audio or a Phone Bridge Connection for a fee. Persons interested in making arrangements 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.org> and click on "FERC."

For more information about the conference, please contact Sarah McKinley at (202) 502-8004 or *sarah.mckinley@ferc.gov*.

Magalie R. Salas,  
*Secretary*.

## Attachment A

### Agenda

9 a.m.—Opening comments: Chairman Pat Wood, Federal Energy Regulatory Commission; Governor Bob Taft of Ohio; Chairman Alan R. Schriber, Public Utilities Commission of Ohio.

9:20 a.m.—Preparations for summer 2004: First Energy, improvements to grid operations and practices, implementation of NERC recommendations; AEP, operations and summer preparation; Midwest ISO, software, operations, communications; PJM, discussion of Commonwealth Edison and AEP integration, the common market, operations and communications; TVA, operations and preparations; NERC, blackout mitigation recommendations and implementation; Vegetation Management status, speaker from NARUC or FERC; Audience Participation.

11:20 a.m.—Break.

11:40 a.m.—Midwest Infrastructure Issues (OH, MI, WI, IL, IN, KY, TN, WV). Jeff Wright, FERC—Update on Midwest electric and gas infrastructure. MISO—Midwest transmission planning, issues and prospects. Audience Participation.

12:40 p.m.—Lunch Break.

2 p.m.—Longer-Term Reliability Issues: DOE, Implementation of blackout

recommendations; NERC, Reliability readiness audits; NERC reliability standards; State-level actions—Regulators representing NARUC, Ohio, Michigan, New York, Indiana; Audience participation.

4 p.m.—Next Steps: Commitments and Recommendations: Discussion with FERC and State Regulators, DOE, and audience.

4:30 p.m.—Adjourn.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

### Records Governing Off-the-Record Communications; Public Notice

June 22, 2004.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a

cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped

by docket numbers. These filings are 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 eLibrary (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](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### Prohibited

| Docket number                | Date filed | Presenter or requester                     |
|------------------------------|------------|--------------------------------------------|
| 1. CP01-49-000 .....         | 6-17-04    | Edmee Van Haeften.                         |
| 2. CP04-58-000 .....         | 6-14-04    | Khalid Ibrahim, <i>et al.</i> <sup>1</sup> |
| 3. EL03-235-000 .....        | 6-14-05    | Robert Wilmouth.                           |
| 4. Project No. 516-388 ..... | 6-16-04    | Kenneth and Sandy Fox.                     |

<sup>1</sup> This communication is one among numerous form letters sent to the Commission by the Greenpeace, USA organization. Only representative samples of these prohibited non-decisional documents are posted in this docket on the Commission's eLibrary system (<http://www.ferc.gov>).

#### Exempt

| Docket number                                         | Date filed | Presenter or requester                                                                                        |
|-------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------|
| 1. CP04-37-000, CP04-44-000, CP04-45-000, CP04-46-000 | 5-20-04    | Hon. Ken Armbrister.                                                                                          |
| 2. CP04-37-000, CP04-44-000, CP04-45-000, CP04-46-000 | 5-25-04    | Hon. Dennis Bonnen.                                                                                           |
| 3. CP04-37-000, .....                                 | 6-7-04     | Sydne Marshall <i>et al.</i>                                                                                  |
| 4. CP04-37-000, CP04-44-000, CP04-45-000, CP04-46-000 | 6-10-04    | Hon. Jerry Patterson.                                                                                         |
| 5. CP04-47-000, CP04-38-000 .....                     | 6-1-04     | Hon. Kathleen Babnieaux Blanco.                                                                               |
| 6. CP04-58-000 .....                                  | 6-1-04     | Hon. Betty Karnette.                                                                                          |
| 7. ER04-23-001 .....                                  | 5-25-04    | Hon. Joseph Lieberman, Hon. Rosa L. DeLauro, Hon. Christopher Shays, Hon. Christopher Dodd, Hon. John Larson. |
| 8. Project No. 1413-000 .....                         | 6-17-04    | Nicholas Jayjack.                                                                                             |
| 9. Project No. 2042-013 .....                         | 6-3-04     | Hon. George R. Nethercutt, Jr.                                                                                |
| 10. Project No. 2082-027 .....                        | 6-8-04     | Ronnie Pellegrini.                                                                                            |
| 11. Project No. 2082-000 .....                        | 6-17-01    | Stephen D. Mikesell.                                                                                          |

Magalie R. Salas,

Secretary.

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#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Docket No. PL04-10-000]

#### Federal Power Act; Section 305(b) Obligations; Order Advising Public Utilities and Their Officers and Directors of Federal Power Act Section 305(b) Obligations

June 22, 2004.

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suede G. Kelly.

1. Under section 305(b) of the Federal Power Act (FPA),<sup>1</sup> any person seeking to hold the positions of officer or director of a public utility and officer or director of another public utility, or an electrical equipment supplier, or securities underwriter (with certain statutorily-defined exceptions) must seek prior

Commission approval to hold any such positions.

2. The Commission's regulations<sup>2</sup> require that an application for approval be filed with the Commission within thirty (30) days of election or appointment to a qualifying position.<sup>3</sup> If an application is filed after the 30-day period, it is considered late. The Commission is concerned about the timeliness of applications. The Commission has previously stated that it "does not look favorably on untimely applications to hold interlocking positions."<sup>4</sup> Furthermore, if individuals or public utilities are confused or unclear about whether positions mandate prior Commission approval under section 305(b), they are strongly encouraged to "[seek] Commission clarification promptly."<sup>5</sup>

<sup>2</sup> 18 CFR part 45 (2003).

<sup>3</sup> Certain interlocking positions require only a more limited filing under our regulations. See 18 CFR 45.9 (2003). Likewise, individuals holding other interlocking positions are permitted to make a more limited filing under our precedent. See, e.g., San Manuel Power Company LLC, 96 FERC ¶ 61,089 at 61,371 and Ordering Paragraph (E) (2001); Bridgeport Energy LLC, 83 FERC ¶ 61,307 at 62,262 and Ordering Paragraph (E) (1998).

<sup>4</sup> Thomas Madison McDaniel, Jr., 24 FERC ¶ 61,026 at 61,107 (1983).

<sup>5</sup> Walter F. Torrance, Jr., 29 FERC ¶ 61,288 at 61,588 (1984).

3. While the statute applies to the individual officer or director, the Commission urges public utilities to exercise due diligence when selecting individuals to serve as officers or directors and to ensure that current officers or directors are in compliance with the requirements of section 305(b). Furthermore, the Commission expects that all individuals who seek to serve or are serving as an officer or director of a public utility will be aware of their responsibilities under section 305(b) of the FPA and will comply with all requirements.

4. This order is intended to reiterate these obligations and emphasize the importance the Commission places on compliance with the statute. The Commission will exercise remedial authority, as appropriate, to persons that fail to obtain the prior approval required by FPA section 305(b).

5. The Secretary is directed to publish this order in the **Federal Register**.

By the Commission.

Linda Mitry,

Acting Secretary.

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<sup>1</sup> 16 U.S.C. 825d (2000).