

In *Mid-Tex Elec. Coop. v. FERC*, 773 F.2d 327 (D.C. Cir. 1985), the court found that Congress, in passing the RFA, intended agencies to limit their consideration "to small entities that would be directly regulated" by proposed rules. *Id.* at 342. The court further concluded that "the relevant 'economic impact' was the impact of compliance with the proposed rule on regulated small entities." *Id.* at 342.

The Commission certifies that, given the entities subject to this proposed rule and their current depreciation accounting practices, this proposed rule will not have a significant economic impact upon a substantial number of small entities.

VI. Public Reporting Burden and Information Collection Statement

The Commission proposes to amend 18 CFR Part 101 by standardizing the method for determining depreciation rates for accounting purposes. Because the proposed rule simply standardizes the method of calculating depreciation rates, without adding or changing any reporting requirements, it does not impose any additional public reporting burden.

Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 [Attention: Michael Miller, Capital Planning and Policy Group, Phone: (202) 208-1415, Fax: (202) 208-2425, E-mail: mike.miller@ferc.fed.us].

To submit comments concerning collections of information and associated burden estimate(s), please send your comments to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, [Attention: Desk Officer for the Federal Energy Regulatory Commission, Phone: (202) 395-3087, Fax: (202) 395-7285].

VII. Public Comment Procedures

Prior to taking final action on this proposed rulemaking, we are inviting written comments from interested persons. The Commission also is notifying each State commission having jurisdiction with respect to any public utility involved and is giving reasonable opportunity to each State commission to present its views for our consideration. All comments in response to this notice should be submitted to the Office of Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, and should refer to Docket No. RM99-7-000. An

original and fourteen (14) copies of such comments should be filed with the Commission on or before October 4, 1999.

In addition to filing paper copies, the Commission encourages the filing of comments either on computer diskette or via Internet E-Mail. Comments may be filed in the following formats: WordPerfect 8.0 or lower version, MS Word Office 97 or lower version, or ASCII format.

For diskette filing, include the following information on the diskette label: Docket No. RM99-7-000; the name of the filing entity; the software and version used to create the file; and the name and telephone number of a contact person.

For Internet E-Mail submittal, comments should be submitted to "comment.rm@ferc.fed.us" in the following format. On the subject line, specify Docket No. RM99-7-000. In the body of the E-Mail message, include the name of the filing entity; the software and version used to create the file, and the name and telephone number of the contact person. Attach the comments to the E-Mail in one of the formats specified above. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt. Questions on electronic filing should be directed to Brooks Carter at: 202-501-8145, E-Mail address: brooks.carter@ferc.fed.us.

Commenters should take note that, until the Commission amends its rules and regulations, the paper copy of the filing remains the official copy of the document submitted. Therefore, any discrepancies between the paper filing and the electronic filing or the diskette will be resolved by reference to the paper filing.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference room at 888 First Street, N.E., Washington D.C. 20426, during regular business hours. Additionally, comments may be viewed, printed or downloaded remotely via the Internet through FERC's Homepage using the RIMS or CIPS link. RIMS contains all comments but only those comments submitted in electronic format are available on CIPS. User assistance is available at 202-208-2222, or by E-Mail to rimsmaster@ferc.fed.us.

List of Subjects in 18 CFR Part 101

Electric power, electric utilities, reporting and recordkeeping requirements, Uniform System of Accounts.

By direction of the Commission.

David P. Boergers,
Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 101, Chapter I, Title 18 of the *Code of Federal Regulations*, as set forth below.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

1. The authority citation for Part 101 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7102-7352, 7651-7651o.

2. In Part 101, General Instructions, paragraph 22 is added to read as follows:

General Instructions

* * * * *

22. Depreciation Accounting

A. *Method.* Utilities must use the straight-line method of depreciation. The straight-line method allocates equal amounts of the service value of utility property to expense during each year of the property's useful service life.

B. *Service Lives.* Estimated useful service lives of depreciable property must be supported by engineering or other depreciation studies.

C. *Rate.* Utilities must use percentage rates of depreciation that are based on the straight-line method and the estimated useful service lives of depreciable property. Where composite depreciation rates are used, they should be based on the weighted average estimated useful service lives of the depreciable property comprising the composite group.

[FR Doc. 99-20010 Filed 8-3-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM99-9-000]

Designation of Corporate Officials or Other Persons to Receive Service

July 28, 1999.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend Rule 2010 of its

regulations on practice and procedure to require that all entities regulated by the Commission designate a corporate official or other person to receive service of certain types of pleadings where a person to receive service has not otherwise been designated under the Commission's regulations. Each regulated entity would be required to file with the Commission: The name of the corporate official or other person that is to receive service, the title of the corporate official or person, if applicable, the address of the official, including, where applicable, department, room number, or mail routing code, the telephone number of the corporate official or person, the facsimile number of the corporate official or person, if applicable, and the electronic mail address of the corporate official or person, if applicable. Each regulated entity would have a continuing obligation to file updated information with the Commission. The intended effect is to facilitate timely notification to responsible corporate officials.

The Commission also proposes to maintain a list of designated officials in the Office of the Secretary of the Commission and to make the list available to the public in hard copy and through the Commission's web site.

DATES: Comments are due October 4, 1999.

ADDRESSES: Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For further instructions on submittal of comments see section VI. of **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: David Faerberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208-1275.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Room 2A, Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission from November 14, 1994, to the present. CIPS can be accessed via Internet through FERC's Home Page (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. Documents will be available on CIPS in ASCII and WordPerfect 6.1.

User assistance is available at 202-208-2474 or by E-mail to cips.master@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to rims.master@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Federal Energy Regulatory Commission (Commission) is proposing to revise its regulations to require that all entities regulated by the Commission designate a corporate official or other person to receive service.

I. Background

On March 31, 1999, the Commission issued a final rule (Order No. 602) revising its regulations governing complaints filed with the Commission under the Federal Power Act, the Natural Gas Act, the Natural Gas Policy Act, the Public Utility Regulatory Policies Act of 1978, the Interstate Commerce Act, and the Outer Continental Shelf Lands Act.¹ Order No. 602 was designed to encourage and support consensual resolution of complaints, and to organize the complaint procedures so that all complaints are handled in a timely and fair manner.

A number of requests for rehearing of Order No. 602 were filed. Among the parties filing for rehearing was the Interstate Natural Gas Association of America (INGAA). INGAA sought clarification of the service requirements of the final rule contained in section 385.206(c) of the Commission's regulations.² That section currently reads as follows:

Any person filing a complaint must serve a copy of the complaint on the respondent, affected regulatory agencies, and others the complainant reasonably knows may be expected to be affected by the complaint.

¹ Complaint Procedures, Order No. 602, III FERC Stats. & Regs. ¶31,071 (1999), 64 FR 17087 (April 8, 1999).

² 18 CFR 385.206(c).

Service must be simultaneous with filing at the Commission for respondents and affected entities in the same metropolitan area as the complainant. Simultaneous or overnight service is acceptable for respondents and affected entities outside the complainant's metropolitan area. Simultaneous service can be accomplished through electronic mail, fax, express delivery, or messenger.³

On rehearing, INGAA asserted that all Commission regulated entities should be required to appoint an official to receive service of complaints, which official is to be designated on the company's electronic bulletin board (EBB) or web site. INGAA requested that, as part of the service requirement of section 385.206(c), parties must serve the complaint on the corporate official appointed to receive such service by the regulated entity. INGAA contended that, absent such a requirement, a complaint served on a corporation without identifying a specific individual recipient could be misrouted or its significance overlooked. INGAA submitted that by the time the responsible officials become aware that a complaint has been filed, a large portion of time may have been lost, adversely affecting the completeness and timeliness of the answer.

INGAA asserts that a uniform requirement that every regulated entity appoint a corporate official responsible for receiving service of complaints, and a corollary requirement that complainants serve that official directly, will ensure that responses to those complaints are filed expeditiously, thus further the goals of Order No. 602. INGAA states that, regardless of whether service must be issued electronically—an issue that INGAA understands is reserved for determination in Docket No. PL98-1-000⁴—this requirement will ensure expeditious receipt and handling of a complaint by each regulated entity.

II. Discussion

In the Commission's view, INGAA's suggestion has merit and should not be limited to service of complaints. Under § 385.203 of the Commission's existing regulations (Rule 203), the initial pleading or tariff or rate filing of a person must contain, among other things, the name, address and telephone number of at least one person on whom service is to be made.⁵ In most cases, a regulated entity initiates a proceeding with a filing such as a rate change filing.

³ Certain aspects of the service requirements have been raised on rehearing of Order No. 602 and are being modified in Order No. 602-A, which is being issued contemporaneously with this NOPR.

⁴ Public Access to Information and Electronic Filing.

⁵ 18 CFR 385.203.

As part of the initial filing, it is required to designate a person to receive service under Rule 203. That person will be placed on the official service list of the proceeding. In addition, when a party makes a filing in a docketed proceeding, it is required to designate a person to receive service. That person's name is also placed on the official service list of the proceeding. The requirements and procedures currently followed under Rule 203 will not be changed.

There are, however, certain situations in which the Commission or another entity initiates a proceeding or some other action and a person to receive service has not otherwise been designated by the regulated entity under the Commission regulations. The filing of a complaint is one such situation. Other examples are petitions for declaratory order, show cause orders, data requests, investigatory letters, or where the Commission *sua sponte* initiates action under section 206 of the Federal Power Act or section 5 of the Natural Gas Act. In these situations, it would be efficient for persons wishing to serve pleadings on regulated entities, as well as the Commission, to be able to serve specific corporate officials. Designating a corporate official to receive service of complaints, declaratory orders, show cause orders, data requests, and investigatory letters would also allow regulated entities to receive pleadings as quickly as possible. This is especially important where the regulated entity has a short time to respond, for example when answering complaints or responding to Commission data requests.

Therefore, the Commission is proposing to add a new paragraph (i) to § 385.2010 (Rule 2010) to require that all entities regulated by the Commission designate at least one, but not more than two, corporate officials or other persons to receive service of certain types of pleadings where a person to receive service has not otherwise been designated under the Commission's regulations. Each regulated entity would be required to file with the Commission (1) the name of the corporate official or other person that is to receive service, (2) the title of the corporate official or person, if applicable, (3) the address of the official, including, where applicable, department, room number, or mail routing code, (4) the telephone number of the corporate official or person, (5) the facsimile number of the corporate official or person, if applicable, and (6) the electronic mail address of the corporate official or person, if applicable. Each regulated entity would have a continuing obligation to file

updated information with the Commission.

The Commission also proposes to maintain a list of designated officials in the Office of the Secretary of the Commission and to make the list available to the public in hard copy and through the Commission's web site. For ease of use, the list will be divided by industry. This list will be separate and apart from the official service lists that the Secretary maintains for each proceeding pursuant to § 385.2010(c) of the Commission's regulations (Rule 2010). Thus, in situations where an official service list is maintained for an existing proceeding, a party would be required to serve the person designated by the regulated entity for that proceeding. Where there is no service list because, for example, the proceeding is initiated by the Commission or another entity, a party would be required to serve the person designated pursuant to proposed section 385.2010(i).

In addition, the Commission invites comments on what other ways the names of designated officials could be made available to interested persons. For example, should regulated entities be required to post the names of designated corporate officials on a company's EBB or web site? The Commission recognizes that certain entities regulated by the Commission may not have EBBs, web sites, or other electronic methods to make names of designated officials available to the public. Therefore, the Commission requests comments on what other methods of distribution, if any, are appropriate. For example, should a company be required to periodically mail the names of the designated corporate officials to its customers or other persons otherwise affected by its operations. The Commission realizes that if regulated entities are required to distribute the names of their designated corporate officials, the methods of distribution will likely have to be tailored to the particular industry. The Commission is also interested in receiving comments on what level of burden, if any, will a distribution requirement place on a regulated entity.

As discussed above, in order to implement the new service requirements, the Commission proposes to add a new section (i) to § 385.2010 (Rule 2010).⁶ Placement of the requirements in the Rules of Practice and Procedure should provide sufficient notice of the obligations of both regulated entities and parties who desire to serve pleadings on regulated entities

for purposes of initiating a proceeding before the Commission. However, the Commission requests comments on whether it is appropriate to place the new requirements in that section of the regulations or whether there may be other places in the regulations which would be more appropriate.

II. Information Collection Statement

The Commission finds that the information required to be provided by regulated entities is so minimal that it does not impose any measurable additional burden on regulated entities. Therefore, no public reporting burden estimates are being made.

IV. Environmental Analysis

The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.⁷ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.⁸ The actions proposed to be taken here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.⁹ Therefore, an environmental assessment is unnecessary and has not been prepared in this notice of proposed rulemaking.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA) requires agencies to prepare certain statements, descriptions and analyses of proposed rules that will have a significant economic impact on a substantial number of small entities.¹⁰ The Commission is not required to make such analyses if a proposed rule would not have such an effect.¹¹

In the Commission's view, this proposed rule would not have a significant economic impact on small entities. The companies that are regulated by the Commission, who would have to designate a corporate official to receive service, generally do

⁷ Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986-1990 ¶ 30,783 (1987).

⁸ 18 CFR 380.4.

⁹ See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27).

¹⁰ 5 U.S.C. 601-612 (1994).

¹¹ 5 U.S.C. 605(b) (1994).

⁶ 18 CFR 385.2010.

not meet the RFA's definition of a small entity.¹² Further, it would be easier for any small entity to serve a pleading on a regulated company if that company had a specific official designated to receive service. Therefore, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Comment Procedures

The Commission invites interested persons to submit written comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss.

The original and 14 copies of such comments must be received by the Commission before 5:00 p.m. October 4, 1999. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426 and should refer to Docket No. RM99-9-000.

In addition to filing paper copies, the Commission encourages the filing of comments either on computer diskette or via Internet E-Mail. Comments may be filed in the following formats: WordPerfect 8.0 or below, MS Word Office 97 or lower version, or ASCII format.

For diskette filing, include the following information on the diskette label: Docket No. RM99-9-000; the name of the filing entity; the software and version used to create the file; and the name and telephone number of a contact person.

For Internet E-Mail submittal, comments should be submitted to "comment.rm@ferc.fed.us" in the following format. On the subject line, specify Docket No. RM99-9-000. In the body of the E-Mail message, include the name of the filing entity; the software and version used to create the file, and the name and telephone number of the contact person. Attach the comment to the E-Mail in one of the formats specified above. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt. Questions on electronic filing should be directed to Brooks Carter at 202-501-8145, E-Mail address brooks.carter@ferc.fed.us.

Commenters should take note that, until the Commission amends its rules and regulations, the paper copy of the filing remains the official copy of the document submitted. Therefore, any discrepancies between the paper filing and the electronic filing or the diskette

will be resolved by reference to the paper filing.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference room at 888 First Street, N.E., Washington D.C. 20426, during regular business hours. Additionally, comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS or CIPS links. RIMS contains all comments but only those comments submitted in electronic format are available on CIPS. User assistance is available at 202-208-2222, or by E-Mail to rimsmaster@ferc.fed.us.

List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By direction of the Commission.

David P. Boergers,
Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 385, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 385 continues to read as follows:

Authority: 5 U.S.C. 551-557; 15 U.S.C. 717-717z, 3301-3432; 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

2. In § 385.2010, new paragraph (i) is added to read as follows:

§ 385.2010 Service (Rule 2010).

* * * * *

(i) *Designation of corporate officials to receive service.* (1) Any entity subject to regulation by the Commission must designate at least one, but not more than two, corporate officials or other persons to receive service of complaints, petitions for declaratory order, show cause orders, data requests, investigatory letters or other documents where a person to receive service has not otherwise been designated under Commission regulations. Each entity must file with the Secretary of the Commission:

- (i) The name of the corporate official or person that is to receive service;
- (ii) The title of the corporate official or person, if applicable;
- (iii) The address of the corporate official or person, including, where applicable, department, room number, or mail routing code;
- (iv) The telephone number of the corporate official or person;

(v) The facsimile number of the corporate official or person, if applicable; and

(vi) The electronic mail address of the corporate official or person, if applicable.

(2) Each regulated entity has a continuing obligation to file with the Secretary of the Commission updated information concerning the corporate official or person designated to receive service.

(3) A list of corporate officials and persons designated to receive service pursuant to this paragraph (i) will be maintained by the Secretary of the Commission and will be made available to the public in hard copy upon request and through the Commission's web site at <http://www.ferc.fed.us>.

(4) Any person who wishes to serve a complaint or petition for declaratory order on any entity regulated by the Commission must serve the corporate official or person designated pursuant to this paragraph (i).

(5) The Commission will serve show cause orders, data requests, investigatory letters or other documents on the corporate official or person designated under this paragraph (i).

[FR Doc. 99-19882 Filed 8-3-99; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations No. 4 and 16]

RIN 0960-AE96

Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Clarification of "Age" as a Vocational Factor

AGENCY: Social Security Administration

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ACTION: Notice of proposed rulemaking

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SUMMARY: We propose to revise the Social Security and Supplemental Security Income (SSI) disability regulations to clarify our consideration of "age" as a vocational factor at the last step of our sequential evaluation process for determining whether an individual is disabled under title II or title XVI of the Social Security Act (the Act). We also propose to amend our rules to better explain how we consider transferability of skills for individuals who are of "advanced age" (age 55 or older) in deciding whether such

¹² 5 U.S.C. 601(3)(1994).