

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL06-6-000]

Western Farmers Electric Cooperative on Behalf of Itself and Its Members: Alfalfa Electric Cooperative, Caddo Electric Cooperative, Canadian Valley Electric Cooperative, Choctaw Electric Cooperative, Cimarron Electric Cooperative, Cotton Electric Cooperative, East Central Oklahoma Electric Cooperative, Harmon Electric Association, Kay Electric Cooperative, Kiamichi Electric Cooperative, Kiwash Electric Cooperative, Northfork Electric Cooperative, Northwestern Electric Cooperative, Oklahoma Electric Cooperative, Red River Valley Rural Electric Association, Rural Electric Cooperative, Southeastern Electric Cooperative, and Southwest Rural Electric Association; Notice of Filing

October 21, 2005.

Take notice that on October 19, 2005, Western Farmers Electric Cooperative, on behalf of itself and certain of its electric distribution cooperative member-owners, filed a request for partial waiver of certain regulations of the Commission concerning sales to and purchases from qualifying facilities.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment date: 5 p.m. Eastern Time on November 9, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5-6035 Filed 11-1-05; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Independent Energy Producers Association, Complainant v. California Independent System Operator Corporation, Respondent; Notice of Technical Conference

October 25, 2005.

The Federal Energy Regulatory Commission Staff is convening a technical conference to discuss the issues raised in the above referenced complaint submitted by the Independent Energy Producers Association (IEP) against the California Independent System Operator Corporation (CAISO). Specifically, the conference will address issues related to the continuation of the CAISO's existing must-offer obligation, details of any alternatives, such as the reliability capacity service tariff proposed by IEP, and related implementation issues.

The technical conference will be held on Tuesday, November 8, 2005 and Wednesday, November 9, 2005, if necessary, from 9:30 a.m. to 5 p.m., EST, at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The conference is open for the public to attend, and registration is not required. For more information about the conference, please contact: Olga Kolotushkina at (202) 502-6024 or olga.kolotushkina@ferc.gov.

Magalie R. Salas,

Secretary.

[FR Doc. E5-6032 Filed 11-1-05; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD05-13-000]

Joint Boards on Security Constrained Economic Dispatch; Second Notice on Initial Joint Board Meetings

October 21, 2005.

In accordance with the Commission's September 30, 2005 order,¹ and pursuant to section 223(b)² and section 209(a)³ of the Federal Power Act, take notice that the attachment lists the State representatives that have been appointed to the joint boards for the South, West, Northeast and PJM/MISO regions. Pursuant to FPA section 223(b), the Commission requested each State to nominate a representative to the appropriate joint board, and pursuant to FPA section 209(a), such persons have been appointed to the appropriate joint board. Also, FPA section 223(b) required the Commission to designate a member of the Commission to chair and participate as a member of each such board. Accordingly, the attached list identifies the member of the Commission that will chair each board as well as the State representatives that will act as the vice-chairs for each board.

For more information about this notice, please contact Sarah McKinley at 202-502-8004 or sarah.mckinley@ferc.gov.

Magalie R. Salas,

Secretary.

Attachment: Members of Joint Boards

South Joint Board

Chair: Chairman Joseph T. Kelliher, Federal Energy Regulatory Commission.

Vice Chair: Commissioner Michael Callahan, Mississippi Public Service Commission.

Members:

President Jim Sullivan, Alabama Public Service Commission.

Chairman Sandra L. Hochstetter, Arkansas Public Service Commission.

Commissioner J. Terry Deason, Florida Public Service Commission.

Ms. Pandora Epps, Internal Consultant, Georgia Public Service Commission.

Chair Brian J. Moline, Kansas Corporation Commission.

Commissioner James M. Field, Louisiana Public Service Commission.

Commissioner Steve Gaw, Missouri Public Service Commission.

¹ Joint Boards on Security Constrained Economic Dispatch, 112 FERC ¶ 61,353 at P 10-12 (2005).

² Section 223 was added to the Federal Power Act, 16 U.S.C. 824 *et seq.* (2000), by section 1298 of the Energy Policy Act of 2005, Pub. L. No. 109-58, § 1298, 119 Stat. 594, 986 (2005).

³ 16 U.S.C. 824h(a).

Commissioner E. Shirley Baca, New Mexico Public Regulation Commission.
 Commissioner Sam J. Ervin, IV, North Carolina Utilities Commission.
 Chairman Jeff Cloud, Oklahoma Corporation Commission.
 Vice Chairman G. O'Neal Hamilton, South Carolina Public Service Commission.
 Director Pat Miller, Tennessee Regulatory Authority.
 Commissioner Julie Caruthers Parsley, Public Utility Commission of Texas.

West Joint Board

Chair: Commissioner Suede Kelly, Federal Energy Regulatory Commission.
 Vice Chair: Commissioner Marsha H. Smith, Idaho Public Utilities Commission.
 Members:
 Commissioner Marc Spitzer, Arizona Corporation Commission.
 Commissioner Dian M. Grueneich, California Public Utilities Commission.
 Chairman Gregory Sopkin, Colorado Public Utilities Commission.
 Commissioner Thomas J. Schneider, Montana Public Service Commission.
 Mr. Richard L. Hinckley, Esq., General Counsel, Public Utilities Commission of Nevada.
 Commissioner E. Shirley Baca, New Mexico Public Regulation Commission.
 Chairman Lee Beyer, Oregon Public Utility Commission.
 Ms. Rolayne Ailts Wiest, General Counsel, South Dakota Public Utilities Commission.
 Chairman Paul Hudson, Public Utility Commission of Texas.
 Chairman Ric Campbell, Utah Public Service Commission.
 Chairman Mark Sidran, Washington Utilities and Transportation Commission.
 Deputy Chair Kathleen A. "Cindy" Lewis, Wyoming Public Service Commission.

Northeast Joint Board

Chair: Commissioner Nora Mead Brownell, Federal Energy Regulatory Commission.
 Vice Chair: Chairman Paul G. Afonso, Massachusetts Department of Telecommunications and Energy.
 Vice Chair: Chairman William M. Flynn, New York State Public Service Commission.
 Members:
 Commissioner Jack R. Goldberg, Connecticut Department of Public Utility Control.
 Chairman Kurt Adams, Maine Public Utilities Commission.
 Chairman Thomas B. Getz, New Hampshire Public Utilities Commission.
 Chairman Elia Germani, Rhode Island Public Utilities Commission.
 Chairman James Volz, Vermont Public Service Board.

PJM/MISO Joint Board

Chair: Commissioner Nora Mead Brownell, Federal Energy Regulatory Commission.
 Vice Chair: Commissioner Kevin K. Wright, Illinois Commerce Commission.
 Vice Chair: Chairman Kenneth D. Schisler, Maryland Public Service Commission.
 Members:
 Commissioner Dallas Winslow, Delaware Public Service Commission.

Chair Agnes A. Yates, District of Columbia Public Service Commission.
 Chairman David Lott Hardy, Indiana Utility Regulatory Commission.
 Chairman John Norris, Iowa Utilities Board.
 Chairman Mark David Goss, Kentucky Public Service Commission.
 Commissioner Laura Chappelle, Michigan Public Service Commission.
 Commissioner Kenneth Nickolai, Minnesota Public Utilities Commission.
 Chairman Jeff Davis, Missouri Public Service Commission.
 Chairman Greg Jergeson, Montana Public Service Commission.
 Mr. Paul Malone, Regulatory, Planning & Contracts Manager, Nebraska Public Power District.
 Commissioner Frederick F. Butler, New Jersey Board of Public Utilities.
 Commissioner Sam J. Ervin IV, North Carolina Utilities Commission.
 Commissioner Susan E. Wefald, North Dakota Public Service Commission.
 Chairman Alan R. Schriber, Public Utilities Commission of Ohio.
 Chairman Wendell F. Holland, Pennsylvania Public Utility Commission.
 Chairman Gary W. Hanson, South Dakota Public Utilities Commission.
 Director Pat Miller, Tennessee Regulatory Authority.
 Mr. Howard Spinner, Director, Division of Economics and Finance, Virginia State Corporation Commission.
 Mr. Earl Melton, Director, Engineering Division, Public Service Commission of West Virginia.
 Chairperson Daniel R. Ebert, Public Service Commission of Wisconsin.

[FR Doc. E5-6041 Filed 11-1-05; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL06-1-000]

Before Commissioners: Joseph T. Kelliher, Chairman; Nora Mead Brownell, and Suede Kelly; Enforcement of Statutes, Orders, Rules, and Regulations; Policy Statement on Enforcement

Issued October 20, 2005.

1. The Commission issues this Policy Statement to provide guidance and regulatory certainty regarding our enforcement of the statutes, orders, rules, and regulations we administer. The Policy Statement discusses the factors we will take into account in determining remedies for violations, including applying the enhanced civil penalty authority provided by the Energy Policy Act of 2005 (EPA 2005).¹ Our purpose is to provide firm but fair enforcement of our rules and

regulations and to place entities subject to our jurisdiction on notice of the consequences of violating the statutes, orders, rules, and regulations we enforce.

2. In discussing the factors we will take into account in determining the severity of penalties to be imposed for violations, we also recognize the importance of demonstrable compliance and cooperation efforts by utilities, natural gas companies, and other entities subject to the statutes, orders, rules, and regulations administered by the Commission. We encourage regulated entities to have comprehensive compliance programs, to develop a culture of compliance within their organizations, and to self-report and cooperate with the Commission in the event violations occur.²

3. Contemporaneously herewith, we are issuing a Notice of Proposed Rulemaking in Docket No. RM06-3-000 (published in the **Federal Register** October 27, 2005 (70 FR 61930)), proposing new regulations to implement sections 315 and 1283 of EPA 2005. The proposed regulations would make it unlawful for any entity to use or employ any device, scheme, or artifice to defraud, or to make any untrue statement of a material fact or to omit to state a material fact, or to engage in a fraud or deceit in connection with the purchase or sale of electricity, natural gas, or related transmission or transportation services subject to the jurisdiction of the Commission. The proposed regulations will provide another basis for imposition of civil penalties. It is therefore important that we articulate how we intend to apply our new and expanded civil penalty authority, so as to assure the industry that we will temper strong enforcement measures with consideration of all relevant factors, including mitigating factors, in determining the appropriate remedies.

Background

4. We have a variety of enforcement tools under the principal statutes we administer: the Federal Power Act (FPA), Natural Gas Act (NGA), Natural Gas Policy Act of 1978 (NGPA), and Interstate Commerce Act (ICA).³ If

² We will apply this policy statement on enforcement, and the remedies available for any given violation, in the same manner for jurisdictional market-based rate sellers, natural gas pipelines, and holders of blanket certificate authority as well as for other entities as described by EPA 2005, including governmental utilities and other market participants. We also note that the factors will be applied, as appropriate, to individuals as well as to corporate entities.

³ Federal Power Act, 16 U.S.C. 791a, *et seq.* (2000); Natural Gas Act, 15 U.S.C. 717, *et seq.*

¹ Public Law 109-58, 119 Stat. 594 (2005).