

application Document (PAD),⁷ a step in the license application process.⁸ As evidence of its “substantial progress” and due diligence, Fall Creek states that it made two site visits (November 2002 and July 2003) and held two meetings (May 2006 and January 2007). It also describes nine “consultations” made in preparation of its PAD, all but one of which occurred in a ten-day period after the dismissal of its permit application.⁹ Finally it cites to 52 documents, publications, and Web sites that it reviewed in preparing its PAD. These efforts are too little, too late.

Philis J. Posey,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

March 9, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2242-078.

c. *Date Filed:* November 24, 2006.

d. *Applicant:* Eugene Water and Electric Board.

e. *Name of Project:* Carmen-Smith Hydroelectric Project.

f. *Location:* On the McKenzie River in Lane and Linn Counties, near McKenzie Bridge, Oregon. The project occupies approximately 560 acres of the Willamette National Forest.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

⁷ The purpose of a PAD under the Commission's Integrated Licensing Process is to provide detailed information about a proposed project to enable interested entities to identify issues, develop study requests and study plans, and prepare documents analyzing any license application that may be filed. See 18 CFR 5.6 (2006).

⁸ Fall Creek later filed its PAD and a notice of intent to file a license application in a new proceeding (docketed Project No. 12778-000) on February 16, 2007, eight days after the filing of its request for rehearing. Finding the PAD to be deficient, partially because of Fall Creek's failure to consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, staff by letter dated February 28, 2007, gave Fall Creek 75 days to file an updated PAD or an addendum to the originally filed PAD.

⁹ The Corps is the only consulted federal entity and the Oregon Department of Fish and Wildlife the only consulted resource agency.

h. *Applicant Contact:* Randy L. Berggren, General Manager, Eugene Water and Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene, OR 97440, (541) 484-2411.

i. *FERC Contact:* Bob Easton, (202) 502-6045 or robert.easton@ferc.gov.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Philis J. Posey, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the “e-Filing” link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The Carmen-Smith Hydroelectric Project consists of two developments, the Carmen development and the Trail Bridge development. The Carmen development includes: (1) A 25-foot-high, 2,100-foot-long, and 10-foot-wide earthen Carmen diversion dam with a concrete weir spillway, (2) a 11,380-foot-long by 9.5-foot-diameter concrete Carmen diversion tunnel located on the right abutment of the spillway, (3) a 235-foot-high, 1,100-foot-long, and 15-foot-wide earthen Smith diversion dam with a gated Ogee spillway, (4) a 7,275-foot-long by 13.5 foot-diameter concrete-lined Smith power tunnel, (5) a 1,160-foot-long by 13-foot-diameter steel underground Carmen penstock, (6) a 86-foot-long by 79-foot-wide Carmen powerhouse, (7) two Francis turbines each with a generating capacity of 52.25 megawatts (MW) for a total capacity of 104.50 MW, (8) a 19-mile, 115-kilovolt (kV) transmission line that connects the Carmen powerhouse to the Bonneville Power Administration's Cougar-Eugene transmission line, and (9) appurtenant facilities.

The Trail Bridge development includes: (1) A 100-foot-high, 700-foot-long, and 24-foot-wide earthen Trail

Bridge dam section with a gated Ogee spillway, (2) a 1,000-foot-long and 20-foot-wide emergency spillway section, (3) a 300-foot-long by 12-foot-diameter concrete penstock at the intake that narrows to a diameter of 7 feet, (4) a 66-foot-long by 61-foot-wide Trail Bridge powerhouse, (5) one Kaplan turbine with a generating capacity of 9.975 MW, and (6) a one-mile, 11.5-kV distribution line that connects the Trail Bridge powerhouse to the Carmen powerhouse.

m. A copy of the application 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 “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) Bear in all capital letters the title “PROTEST” or “MOTION TO INTERVENE;” (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each

representative of the applicant specified in the particular application.

Philis J. Posey,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD07-8-000]

Review of Market Monitoring Policies; Second Notice of Technical Conference

March 9, 2007.

On January 25, 2007, the Federal Energy Regulatory Commission (Commission) announced that a conference will be held to review the Commission's general policies regarding market monitoring, on April 5, 2007, at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in the Commission Meeting Room. The Commission had announced its intent to hold this conference in *PJM Interconnection, LLC., order on reh'g*, 117 FERC ¶ 61,263 (2006).

The Commission is making one change in the schedule with this notice, viz., to change the beginning of the conference from 9:30 a.m. to 9 a.m. (EDT).

All interested persons are invited to attend. There is *no* registration fee to attend.

Proactive oversight of the activities of regulated entities is a relatively recent development in the history of the Commission's utility regulation, one largely driven by the Commission's efforts to make greater use of market forces to discipline the activities of regulated entities. A significant aspect of this oversight effort has been the development of market monitoring units (MMUs) in the Commission-regulated Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs), along with the establishment of independent market monitors (IMMs) of certain vertically integrated utilities as a condition of approving those utilities' mergers or acquisition of assets. In addition, almost five years ago, the Commission dedicated staff members, now located in the Office of Enforcement's Division of Energy Market Oversight (DEMO), to monitor natural gas and electricity markets. In that capacity, DEMO staff works closely with the MMUs and IMMs.

In the technical conference, the Commission would like to explore the effectiveness of MMUs and IMMs both in performing market oversight and in serving a variety of interested stakeholders. The Commission does not intend to evaluate any individual MMU or IMM or to discuss issues in any pending proceeding. Rather, the Commission would like to focus on the concepts and principles involved in market monitoring and the relationship between the market monitors and the Commission market monitoring staff, informed by the experience of the industry since the inception of market monitoring. Of course, the Commission does not go into this conference with a blank slate. To the contrary, the Commission has spoken on many occasions on the role of market monitors in generic and case-specific proceedings. The Commission also issued a policy statement in May 2005. *See Policy Statement on Market Monitoring Unit*, 111 FERC ¶ 61,267 (2005) (and citations therein). Accordingly, rather than hearing about what it has done, the Commission would like to hear about what it should do to improve its market monitoring program.

With these thoughts in mind, the technical conference will be made up of two panels, each examining the role and effectiveness of market monitors from their respective perspectives, especially as that relates to market monitoring in the RTOs and ISOs. The panelists may discuss the IMMs as well as the MMUs.

After time reserved for initial statements by the Members of the Commission starting at 9 a.m., the first panel (9:30 a.m. until 10:30 a.m.) will consist of individuals who have participated in, written about, or are otherwise informed about the development of the concept and function of market monitoring. Members of this panel will be asked to answer the following questions:

1. What is the Commission's market monitoring role in the context of ensuring the competitiveness of wholesale electricity markets?
2. How do MMUs (as a concept or function) generally serve or facilitate that role?
3. What changes, if any, in the current structure of MMUs could enhance their ability to assist the Commission in its market monitoring role?
4. Are there other industries that are subject to comparable monitoring activities, and, if so, how are these activities structured?

The next panel will be held in three parts (10:45 a.m. to 11:45 a.m., 12 noon to 1 p.m., and 2 p.m. to 3 p.m.) and will

consist of representatives from the MMUs, the ISOs or RTOs, and the various Stakeholders (including market participants, state regulators, and consumers), respectively. Members of these panels will be asked to answer the following questions:

1. MMUs' Role With Respect to FERC:

- What are the key functions of the role that MMUs have performed?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist the Commission in performing its market oversight activities?

2. MMUs' Role with Respect to ISOs/RTOs:

- What are the key functions of the role that MMUs have performed with respect to the operations of the ISOs/RTOs, including the operation of the transmission grid and Day 1 or Day 2 energy markets?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist ISOs/RTOs?

3. MMUs' Role with Respect to the various Stakeholders:

- What are the key functions of the role that MMUs have performed with respect to stakeholders?
- Should these functions be changed or improved?
- What changes, if any, in the current structure of MMUs would allow them to more effectively assist stakeholders?

Anyone interested in serving on one of these panels should contact Saida Shaalan at 202-502-8278 or by e-mail at Saida.Shaalan@ferc.gov on or before March 22, 2007. Please be advised, however, that the Commission may not be able to accommodate everyone who asks to be a panelist. Persons interested in serving on panels are therefore encouraged to coordinate their positions and choose a single panel representative. The Commission will issue a subsequent notice naming the panelists and providing further guidance on the format for presentations, which will be limited in time (probably five minutes) to provide sufficient opportunity for discussion.

As stated in the first notice issued January 25, 2007, a free webcast of this event will be available through www.ferc.gov. Anyone with Internet access who desires to view this event can do so by accessing www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the Web casts and offers