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BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

September 21, 2007.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER06-200-000; ER07-254-000; ER07-460-000; ER05-534-000; ER05-365-000; ER05-1262-000; ER06-1093-000; ER05-332-000; ER07-287-000; ER07-242-000; ER04-94-000; ER05-1146-000; ER05-481-000; ER07-240-000.

*Applicants:* Big Horn Wind Project, LLC; Casselman Windpower, LLC; Dillon Wind, LLC; Eastern Desert Power, LLC; Elk River Wind, LLC; Flat Rock Windpower, LLC; Flat Rock Windpower II, LLC; Klondike Wind Power II, LLC; Klondike Wind Power III, LLC; MinnDakota Wind, LLC; Mountain View Power Partners III, LLC; Shiloh I Wind Project, LLC; Trimont Wind I, LLC; Twin Buttes Wind, LLC.

*Description:* Big Horn Wind Project, LLC, *et al.* notifies FERC that they do not currently engage in reporting of transactions to publishers of electricity or natural gas price indices.

*Filed Date:* 09/18/2007.

*Accession Number:* 20070919-0102.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 9, 2007.

*Docket Numbers:* ER07-539-002; ER07-540-002.

*Applicants:* Niagara Mohawk Power Corporation.

*Description:* Niagara Mohawk Power Corp dba National Grid submits a second amendment to its 2/14/07 filings.

*Filed Date:* 09/19/2007.

*Accession Number:* 20070920-0114.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, October 10, 2007.

*Docket Numbers:* ER07-1050-001.

*Applicants:* PJM Interconnection, LLC.

*Description:* PJM Interconnection, LLC submits their response to questions posed in the 8/17/07 Order concerning the capacity resource delisting process, and submits revisions to the PJM OATT.

*Filed Date:* 09/17/2007.

*Accession Number:* 20070920-0046.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 9, 2007.

*Docket Numbers:* ER07-1172-001.

*Applicants:* Idaho Power Company.

*Description:* Idaho Power Company requests that the Commission accept their proposed use of the ICE Mid-C index in Schedules 4 and 10 of its Order 890 OATT filed on 7/13/07 in response to the 8/30/07 deficiency letter.

*Filed Date:* 09/17/2007.

*Accession Number:* 20070920-0045.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 9, 2007.

*Docket Numbers:* ER07-1374-000.

*Applicants:* South Carolina Electric & Gas Company.

*Description:* South Carolina Electric & Gas Co submits an Industrial Tap Agreement with the City of Orangeburg, SC.

*Filed Date:* 09/14/2007.

*Accession Number:* 20070918-0137.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 5, 2007.

*Docket Numbers:* ER07-1385-000.

*Applicants:* Entergy Services, Inc.

*Description:* Entergy Operations, Inc., *et al.* submit their First Revised Rate Schedule 435, etc.

*Filed Date:* 09/17/2007.

*Accession Number:* 20070920-0049.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 9, 2007.

*Docket Numbers:* ER07-1386-000.

*Applicants:* Tatanka Wind Power, LLC

*Description:* Application of Tatanka Wind Power, LLC for order accepting market-based rate tariff, granting authorizations and blanket authority, and waiving certain requirements.

*Filed Date:* 09/17/2007.

*Accession Number:* 20070920-0048.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 9, 2007.

*Docket Numbers:* ER07-1387-000.

*Applicants:* Maine Electric Power Company, Inc.

*Description:* Maine Electric Power Co, Inc and ISO New England, Inc. submits a revised Attachment H of the OATT.

*Filed Date:* 09/17/2007.

*Accession Number:* 20070920-0047.

*Comment Date:* 5 p.m. Eastern Time on Friday, September 28, 2007.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 dockets(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Acting Deputy Director.

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BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM07-20-000]

#### Fuel Retention Practices of Natural Gas Companies

September 20, 2007.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Inquiry.

**SUMMARY:** The Federal Energy Regulatory Commission is seeking comments on its policy regarding the in-kind recovery of fuel and lost and unaccounted-for gas by natural gas pipeline companies. The Commission is inviting interested persons to submit comments, and other information on the matters, issues and specific questions identified in this notice.

**DATES:** Comments are due November 30, 2007.

**ADDRESSES:** You may submit comments, identified by Docket No. RM07-20-000, by one of the following methods:

- *Agency Web Site:* <http://www.ferc.gov>. Follow the instructions for submitting comments via the eFiling link found in the Comment Procedures Section of the preamble.

- *Mail:* Commenters unable to file comments electronically must mail an original and 14 copies of their comments to: Federal Energy NE., Washington, DC, 20426. Please refer to the Comment Procedure Section of the preamble for additional information on how to file paper comments.

**FOR FURTHER INFORMATION CONTACT:** Ingrid M. Olson, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8406.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Inquiry

September 20, 2007.

1. In this Notice of Inquiry, the Commission is seeking comments on its policy regarding the in-kind recovery of fuel and lost and unaccounted-for gas by natural gas pipeline companies. Current policy, described below, gives pipelines two options for recovering these costs, and pipelines follow a variety of

practices regarding fuel and lost and unaccounted-for gas. The Commission is seeking comments on whether it should change its current policy and prescribe a uniform method for all pipelines to use in recovering these costs.<sup>1</sup>

#### I. Current Commission Policy on Fuel Retention

2. Interstate natural gas pipelines frequently require that customers contribute a small percentage of the volumes of natural gas tendered for transportation service to provide fuel for compressors and to make up for lost and unaccounted-for gas.<sup>2</sup> Each pipeline states the percentage it retains in its open access tariff. Currently effective tariff fuel retention rates range from fractions of a percent to as high as 13 percent.<sup>3</sup>

3. The Commission established its current policy concerning the in-kind recovery of fuel and unaccounted-for gas in ANR Pipeline Company (ANR).<sup>4</sup> In its January 2005 order in the ANR case,<sup>5</sup> the Commission stated that pipelines have two options to recover these costs. The first option is to establish a fixed fuel retention percentage in a general section 4 rate case, and leave that percentage unchanged until the pipeline files its next general section 4 rate case. The

<sup>1</sup> In this proceeding, the Commission is seeking comments on several specific proposals for rate recovery of fuel and lost and unaccounted-for gas, as well as answers to specific questions. It also should be noted that the Commission has initiated a separate proceeding in Docket No. RM07-9-000 inquiring about the need for changes or revisions in the Commission's reporting requirements for its financial forms including the Form Nos. 2 and 2-A, Annual Reports of Major and Nonmajor Natural Gas Companies. *Assessment of Information Requirements for FERC Financial Forms*, Notice of Inquiry, FERC Stats & Regs. ¶ 35,554 (February 15, 2007). The Commission received a number of comments and suggestions in that proceeding regarding the adequacy of information reported in the Form No. 2 concerning gas retained, used for compression, and lost and unaccounted-for. Accordingly, the reporting requirements related to gas retained, used for compression, and lost and unaccounted-for will be addressed in the Notice of Proposed Rulemaking which the Commission is concurrently issuing in Docket No. RM07-9-000, 120 FERC ¶ 61,256.

<sup>2</sup> Some pipelines do not require shippers to contribute in-kind a portion of the gas tendered to the pipeline for transportation for the pipeline's use.

<sup>3</sup> See, e.g., MIGC, Inc., FERC Gas Tariff, First Revised Volume No. 1, Eleventh Revised Sheet No. 6 (fuel retention percentages up to 13 percent); Gas Transmission Northwest, FERC Gas Tariff, Third Revised Volume No. 1-A, Seventh Revised Sheet No. 6 (0.005 percent fuel retention).

<sup>4</sup> *ANR Pipeline Co.*, order on compliance filing, 108 FERC ¶ 61,050 (2004), order inviting comments, 109 FERC ¶ 61,038 (2004), order on reh'g and compliance filing, 110 FERC ¶ 61,069 (2005), order on reh'g and compliance filing, 111 FERC ¶ 61,290 (2005).

<sup>5</sup> 110 FERC ¶ 61,069, at P18-28.

second option allows the pipeline to include in its tariff a mechanism permitting periodic changes in its fuel retention percentage outside of a general section 4 rate case, as allowed by section 154.403 of the Commission's regulations.<sup>6</sup> ANR held that, if a pipeline chooses the second option, it must include in its tariff a mechanism to true-up any over- and under-recoveries of fuel, absent agreement otherwise by all interested parties.

4. In ANR, the Commission explained that its general ratemaking policy, established in Order No. 436, is that pipelines must design their rates based on estimated units of service without any type of true-up mechanism.<sup>7</sup> This means that the pipeline is at risk for under-recovery of its costs between rate cases and may retain any over-recovery. This gives pipelines an incentive both to minimize their costs and maximize the service they provide. A cost tracker undercuts these incentives by guaranteeing the pipeline revenues sufficient to recover its costs regardless of the level of costs or services provided.

5. However, as the Commission explained in ANR, it had permitted an exception to this policy for a few cost items that are subject to significant changes from year to year and thus are difficult to predict. Among these cost items is fuel. The Commission explained that section 154.403 of its regulations permits a pipeline to adjust its fuel retention percentages in periodic limited section 4 rate filings pursuant to a methodology set forth in the pipeline's tariff. The Commission stated that section 154.403 does not expressly require that pipelines include true-up mechanisms as part of the tariff provision permitting periodic adjustments to their fuel retention percentages. Instead, the Commission stated, it had addressed this issue on a case-by-case basis and required a true-up when the facts of a particular case so warranted.

6. In ANR, the Commission changed this approach and held that, if a pipeline wishes to take full advantage of the incentives underlying our general ratemaking policy with respect to in-kind fuel recovery, then it can choose the first option which requires establishing a fixed fuel retention percentage. However, if the pipeline chooses the second option and tracks its fuel costs, then there must be an assurance that the fuel costs are tracked accurately so that the pipeline does not over-recover its fuel costs under any

<sup>6</sup> 18 CFR 154.403.

<sup>7</sup> 18 CFR 284.10(c)(2).