

and the Western Electricity Coordinating Council (WECC) will participate with the staff of the Federal Energy Regulatory Commission (FERC) at a workshop on March 16—17, 2005. The workshop will be held at the Doubletree Hotel & Executive Meeting Center Portland-Lloyd Center, 1000 NE Multnomah, Portland, Oregon 97232. The workshop is scheduled to begin at 9 a.m. and end at approximately 5 p.m. (PST) each day.

The goal of the workshop is to work with market participants to develop clear definitions for additional wholesale electric transmission services, e.g., conditional firm transmission service, develop applicable pro forma tariff language that could be included in public utilities' open access transmission tariffs and address attendant issues.

Attachment A of this Notice contains the final agenda for the workshop. Attachment B contains a table prepared by Commission staff that identifies and briefly describes the new transmission services proposed by other entities. Attachment C contains a proposal for a BPA "Conditional-Firm Product." Panelists are strongly encouraged to coordinate among themselves prior to the workshop to minimize overlap in the information presented at the workshop by using the information attached to this Notice.

The Commission will solicit comments related to the workshop to be filed in the captioned dockets by April 13, 2005. The comments will be available for review in the Commission's e-Library. The public will have the opportunity to file reply comments in response to these comments by April 29, 2005.

The conference workshop is open for the public to attend, and preregistration is not required; on-site attendees may simply register on the day of the event.

Capitol Connection offers the opportunity for remote listening of the conference via the Internet or a Phone Bridge Connection for a fee. Interested persons should make arrangements as soon as possible by visiting the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and clicking on "FERC." If you have any questions contact David Reininger or Julia Morelli at the Capitol Connection (703-993-3100).

For more information about the conference, please contact Jignasa

Gadani at 202-502-8608, [jignasa.gadani@ferc.gov](mailto:jignasa.gadani@ferc.gov).

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER05-428-000]

#### New York Independent System Operator, Inc.; Notice of Staff Technical Conference

March 10, 2005.

Take notice that a staff technical conference will be held on Monday, March 21, 2005, at 10 a.m. (e.s.t.) and, if necessary, on Tuesday, March 22, 2005, at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in a room to be designated.

As explained in the Commission's order directing staff to convene a technical conference,<sup>1</sup> the purpose of the conference will be to address specific issues relating to the appropriateness of the specific parameters to be used by the New York Independent System Operator, Inc. (NYISO) in calculating the Installed Capacity (ICAP) Demand Curves for Capability Years 2005/2006, 2006/2007, and 2007/2008. Thus, staff is particularly interested in understanding how different assumptions for these issues will affect the Annual Reference Value, and potential interdependencies between different assumptions. Staff is looking for specific and factual recommendations on the parameters that should be used and why they are appropriate.

Staff has identified the following specific issues:

#### 1. Load Shapes

- Does the 2002 load shape used in the Levitan analysis represent normal weather? If not, what load shape does represent normal weather?

#### 2. Modeling Assumptions

- Is it necessary to reflect recent new capacity additions in NYCA in the modeling of future net revenues?

#### 3. Accuracy/Appropriateness of Peaking Unit Characteristics

- Are the operating characteristics of the assumed peaking units (the 7FA and

LM6000) used by Levitan reasonable? If not, what are reasonable operating characteristics?

- Is the ability of these units to participate in ancillary services and day-ahead markets, particularly given their environmental permits, important in determining the parameters of the demand curve?

#### 4. Peaking Unit Costs

- Are the capital cost assumptions and financing periods used in the Levitan analysis reasonable? If not, what assumptions are reasonable?

#### 5. Scarcity Component

- Should the NYISO have included an adjustment for the scarcity component in their derivation of the Annual Reference Value, and if so, what adjustment is reasonable?

- What were the assumptions used to develop the scarcity component?
- Are the assumptions consistent with the Levitan analysis?

#### 6. Local Siting Costs and Constraints

- Should local costs and constraints be included in development of costs for a representative peaking unit?

- Are Keyspan-Ravenswood's points concerning local siting issues, such as fixed gas transportation costs and local property taxes, correct?

#### 7. Impact on Demand Curve Parameters

- How do you reflect potential interdependencies between different assumptions?

8. Should the Zero Crossing Point be changed? If so, what should be the Zero Crossing Point, and why?

9. Is it reasonable to include an adjustment reflecting winter and summer capacity levels in the Annual Reference Value for NYCA Demand Curve? Is it reasonable to not include a similar adjustment for the New York City Demand Curve?

Those persons interested in speaking at the conference should send a short e-mail to [David.Kathan@FERC.gov](mailto:David.Kathan@FERC.gov) listing their name, title, affiliation, address, and a short (one paragraph preferred) description of the topic(s) they wish to discuss. Staff will prepare an agenda for the conference based on the responses received. Staff will determine the identity and times allotted for speakers. We encourage parties sharing the same position on an issue(s) to coordinate their efforts and designate the fewest number of speakers possible to present their positions.

The conference will be transcribed. Transcripts of the conference will be immediately available from Ace

<sup>1</sup> New York Independent System Operator, Inc., 110 FERC ¶ 61,201 (2005).

Reporting Company (202) 347-3700 or 1-800-336-6646) for a fee. They will be available for the public on the Commission's e-Library seven calendar days after FERC receives the transcript. The e-Library is accessible to the public on the Internet at <http://ferc.fed.us/docs-filing/elibrary.asp>.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106 with the required accommodations.

All interested parties and staff are permitted to attend the conference. For more information about the conference, please contact David Kathan at (202) 502-6404 or e-mail [David.Kathan@FERC.gov](mailto:David.Kathan@FERC.gov).

**Magalie R. Salas,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM02-4-003 and PL02-1-003]

#### Critical Energy Infrastructure Information; Notice Soliciting Public Comment

March 3, 2005.

1. On August 3, 2004, the Federal Energy Regulatory Commission (the Commission) issued a final rule in Order No. 649 amending its regulations for gaining access to critical energy infrastructure information (CEII).<sup>1</sup> The Commission issued Order No. 649 in response to public comments it had solicited on the operation of its newly-implemented CEII rules. In Order No. 649, the Commission committed to continue its monitoring and review of its CEII program and to examine the effectiveness of the rules within one year. In order to facilitate this review, the Commission is issuing this notice soliciting public comment on the effectiveness of its CEII process.

#### Background

2. Although the Commission's CEII process was established in Order No. 630 in March 2003,<sup>2</sup> its efforts began

<sup>1</sup> Critical Energy Infrastructure Information, Order No. 649, 69 FR 48386 (Aug. 10, 2004).

<sup>2</sup> Critical Energy Infrastructure Information, Order No. 630, 68 FR 9857 (Mar. 3, 2003), FERC Stats. & Regs. ¶ 31,140 (2003).

shortly after the attacks of September 11, 2001 with the issuance of a policy statement in PL02-1-000 (Policy Statement). See Statement of Policy on Treatment of Previously Public Documents, 66 FR 52917 (Oct. 18, 2001), 97 FERC ¶ 61,130 (2001). In its Policy Statement, the Commission explained its removal of certain previously-public records from public access through the Public Reference Room, the Commission's document retrieval system, and the Internet. The documents affected by the Policy Statement included oversized maps and other categories of records likely to detail specifications of facilities licensed or certified by the Commission. The Policy Statement advised the public to request such information in accordance with the Freedom of Information Act (FOIA) process detailed in 5 U.S.C. 552 and in the Commission's regulations at 18 CFR 388.108 (2004).

3. In January 2003, the Commission issued a notice of inquiry (the NOI) that raised issues for public comment and provided guidance to those filing information that might warrant non-public treatment under the Policy Statement. See Notice of Inquiry and Guidance for Filings in the Interim, 67 FR 3129 (Jan. 23, 2002), FERC Stats. & Regs. ¶ 35,542 (2002). The NOI identified information the Commission was seeking to protect as "critical energy infrastructure information," or "CEII," and asked for public comment on how to define the scope of the term. The NOI also invited public comment on the Commission's legal authority to protect CEII (including applicability of FOIA exemptions), requester verification and access issues, use of non-disclosure agreements, and the process for requesting CEII.

4. After reviewing the comments received in response to the NOI, the Commission issued a notice of proposed rulemaking regarding CEII (the NOPR). 67 FR 57994 (Sept. 13, 2002); FERC Stats. & Regs. ¶ 32,564 (2002). The NOPR expanded the proposed definition of CEII to include detailed information about proposed facilities as well as those already licensed or certificated by the Commission. In addition, it proposed a new process that would restrict general public access to CEII while at the same time permitting those with a need for the information to obtain it in a timely manner. To that end, the NOPR proposed a supplement to the FOIA request process that would enable requesters to get access to CEII that was otherwise exempt from mandatory disclosure under the FOIA. Under the proposed process, requesters would have to provide limited personal

information about themselves and their need for the information. This information would be considered in determining whether or not to grant the request. In addition, release would generally be contingent upon the requester agreeing to abide by the terms of an appropriate non-disclosure agreement.

5. On February 21, 2003, the Commission issued its CEII rule in Order No. 630. The Commission defined CEII to include information about proposed facilities and to exclude information that simply identified the location of the infrastructure. In addition, the Commission's related definition of "critical infrastructure" was broad enough to cover virtually all facilities within its jurisdiction. The Commission declined to limit protection to "high risk" projects or facilities, opting instead to include virtually all facilities and components, including computer systems that control or form part of the energy infrastructure.

6. After receiving a request for rehearing on Order No. 630, the Commission issued Order No. 630-A, denying the request for rehearing, but amending the rule in several respects.<sup>3</sup> Specifically, the order on rehearing made several minor procedural changes and clarifications, added a reference in the regulation regarding the filing of non-Internet public (NIP) information, a term first described in Order No. 630, and added a commitment to review the effectiveness of the new process after six months.

7. The first CEII review was initiated with a notice soliciting public comment that was issued on February 13, 2004.<sup>4</sup> After reviewing the comments received, the Commission made a few additional changes to the CEII process in Order No. 649.<sup>5</sup> The Commission changed the treatment of boundary maps from CEII to NIP. It also agreed that federal agencies would not have to file more than one request for CEII in one docket, and that agents of owners and operators of facilities could get information on their clients' facilities outside the CEII process with written authorization from the owner/operator. As with the earlier order on rehearing, the Commission committed to re-examine the effectiveness of its CEII rules within the

<sup>3</sup> Critical Energy Infrastructure Information, Order No. 630-A, 68 FR 46456 (July 23, 2003), FERC Stats. & Regs. ¶ 31,147 (2003).

<sup>4</sup> Notice Soliciting Public Comment, 69 FR 8638 (Feb. 25, 2004).

<sup>5</sup> Critical Energy Infrastructure Information, Order No. 649, 69 FR 48386 (Aug. 10, 2004), FERC Stats. & Regs. ¶ 31,167 (2004).