

v. *Ohio Rehabilitation Services Commission, Bureau of Services for the Blind (Case No. R-S/04-8)*. This panel was convened by the Department under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Frank Malone.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

### Background

Frank Malone (Complainant) alleged violations by the Ohio Rehabilitation Services, Bureau of Services for the Blind, the State Licensing Agency (SLA), regarding the Act, the implementing regulations in 34 CFR part 395, and State rules and regulations. Specifically, Complainant alleged that these violations led to his resignation as manager of the cafeteria at the Verne Riffe Center for Government and the Arts (Riffe Center) in Columbus, Ohio.

Additionally, Complainant alleged that the SLA improperly administered the Randolph-Sheppard Vending Program with respect to the SLA's rules and regulations concerning rent payments owed by him to the Ohio Building Authority (OBA), and the SLA's alleged failure to maximize Complainant's cafeteria facility, thus limiting his vocational potential.

### Summary

Complainant filed a grievance against the SLA on this matter. A hearing on the grievance was held on August 20, 21, 22, and 26, 2003. Complainant's grievance was denied. On October 14, 2003, the hearing officer sustained the SLA's decision concerning the revocation of Complainant's vending

license and ordered that the SLA collect from Complainant all monies due regarding outstanding rent payments to OBA. On November 19, 2003, the SLA adopted the hearing officer's order as final agency action. Complainant sought review by a Federal arbitration panel of that decision.

### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel ruled that the SLA failed in its responsibilities toward Complainant in violation of the Act, implementing regulations, and State rules and regulations. Specifically, the panel directed the SLA to restore Complainant's vending operator's license and reinstate him in the Business Enterprise program with full seniority.

Further, the panel concluded that Complainant had been deprived of employment as a licensed vendor for four years, in part as a result of the SLA's omissions. Therefore, the panel also directed the SLA to offer Complainant the first available vending facility consistent with his ability and comparable in size, responsibility, and income potential as that of his previous assignment at the Riffe Center cafeteria facility.

Additionally, the panel awarded Complainant damages in the amount of \$93,202.01 for lost profits that he would have earned at the Riffe Center cafeteria facility less the amount of rent payments owed by Complainant to the SLA in the amount of \$19,254.30. The total amount of the damage award to be paid by the SLA to Complainant is \$73,947.71. The panel also found insufficient evidence to award further damages based upon Complainant's claim that he was entitled to an ATM machine and to have a priority for catering.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

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Dated: November 26, 2007.

**William W. Knudsen,**

*Deputy Assistant, Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL05-72-004]

### Dynegy Midwest Generation, Inc.; Notice of Filing

November 21, 2007.

Take notice that on November 13, 2007, Dynegy Midwest Generation, Inc. filed its Reactive Supply and Voltage Control from Generation Sources Service rate schedule in compliance of the Commission Order issued October 12, 2007, Initial Decision, *Dynegy Midwest Generation, Inc.*, Opinion No. 498, 121 FERC ¶ 61,025 (2007).

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, 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 and all the parties in this proceeding.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on December 4, 2007.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E7-23150 Filed 11-28-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL08-12-000]

#### **PJM Industrial Customer Coalition, Complainant v. PJM Interconnection, L.L.C., Respondent; Notice of Complaint Filing**

November 21, 2007.

Take notice that on November 20, 2007, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Rules of Practice and Procedure, 18 CFR 385.206, PJM Industrial Customer Coalition (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent) alleging that certain provisions in the Respondent's tariff, that would "sunset" the existing payments for customer curtailment when locational marginal pricing exceeds a particular threshold, currently \$75/MWh, are unjust and unreasonable.

The Complainant has requested fast track processing.

The Complainant states that a copy of the complaint has been served on all potentially affected parties.

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, 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on December 6, 2007.

**Kimberly D. Bose,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL08-11-000]

#### **TransCanada Power Marketing Ltd., Complainant v. ISO New England Inc., Respondent; Notice of Complaint Filing**

November 21, 2007.

Take notice that on November 19, 2007, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rule 206 of the Rules of Practice and Procedure, 18 CFR 385.206, TransCanada Power Marketing Ltd. (Complainant) filed a formal complaint against ISO New England Inc. (Respondent) alleging that the Respondent de-list a portion of the Complainant's capacity, making that capacity ineligible to participate in the first Forward Capacity Auction (FCA) in the Forward Capacity Market (FCM) in contradiction of the rules that the Commission approved for qualifying capacity for the FCA for New England in *Devon Power LLC*, 115 FERC ¶ 61,340, *order on reh'g*, 117 FER ¶ 61,133 (2006). The Complainant is requesting the Commission to order the Respondent to accept the Complainant's composite designation of 6,222 MW of qualified capacity as a Self-Supplied FCA Resource for participation in the first Forward Capacity Auction

conducted in furtherance of the FCM that has been established for New England.

The Complainant has requested fast track processing.

The Complainant states that a copy of the complaint has been served on the Respondent.

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, 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on December 3, 2007.

**Kimberly D. Bose,**  
*Secretary.*

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