

Henry Ecton, (202) 502-8768, or e-mail address: [henry.ecton@ferc.gov](mailto:henry.ecton@ferc.gov).

j. *Deadline for Filing Comments, Protests, and/or Motions:* May 30, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and/or interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the e-Filing link.

Please include the docket number (DI08-6-000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The proposed Welkinweir Micro Hydro Project will include: (1) An approximately 100-foot-long, 6-inch-diameter PVC pipe, leading from an unnamed farm pond to an underground 4-foot-wide, 3-foot-deep, 8-foot-long concrete powerhouse containing two 350-watt turbines; (2) an approximately 5-foot-long, 8-inch-diameter PVC pipe that returns the water to an unnamed stream; (3) an 800-foot-long underground transmission cable, which conveys the power produced to a bank of batteries; and (4) appurtenant facilities. The proposed project will not be connected to an interstate grid and will not occupy any tribal or federal lands.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link, select "Docket#" and follow the instructions. For assistance, please contact FERC Online Support at [FERCOnlineSupport@](mailto:FERCOnlineSupport@)

[ferc.gov](http://www.ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-9903 Filed 5-5-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER02-2001-007; Docket No. ER07-430-000; Docket No. ER07-591-000]

#### Electric Quarterly Reports; Dunhill Power, L.P.; Exel Power Sources, LLC; Order on Intent To Revoke Market-Based Rate Authority

Issued April 30, 2008.

Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff.

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2000), and 18 CFR part 35 (2005), require, among other things, that all rates, terms, and conditions of jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public utilities, including power marketers, to file Electric Quarterly Reports summarizing the contractual terms and conditions in their agreements for all jurisdictional services (including market-based power sales, cost-based power sales, and transmission service) and providing transaction information (including rates) for short-term and long-term power sales during the most recent calendar quarter.<sup>1</sup>

2. Commission staff's review of the Electric Quarterly Report submittals has revealed that two utilities with authority to sell electric power at market-based rates have failed to file their Electric Quarterly Reports for more than one quarter. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that,

[i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for market-based rate authority if it wishes to resume making sales at market-based rates.<sup>[2]</sup>

4. The Commission further stated that,

[o]nce this rule becomes effective, the requirement to comply with this rule will supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.<sup>[3]</sup>

5. Pursuant to these requirements, the Commission has revoked or withdrawn the market-based rate tariffs of several

<sup>1</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, 67 FR 31043, FERC Stats. & Regs. ¶ 31,127 (April 25, 2002), *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reconsideration and clarification denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filings*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002).

<sup>2</sup> Order No. 2001 at P 222.

<sup>3</sup> *Id.* at P 223.

market-based rate sellers that failed to submit their Electric Quarterly Reports.<sup>4</sup>

6. Commission staff's review of the Electric Quarterly Report submittals identified two public utilities with authority to sell power at market-based rates that failed to file Electric Quarterly Reports through the fourth quarter of 2007. Commission staff contacted these entities to remind them of their regulatory obligations.<sup>5</sup> None of the public utilities listed in the caption of this order has met those obligations.<sup>6</sup>

Respondent	Last quarter filed
Dunhill Power, L.P. ... Exel Power Sources, L.L.C.	2007, Quarter 2 Never Filed

Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the issuance of this order.

7. In the event that either of the above-captioned market-based rate sellers has already filed its Electric Quarterly Reports in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If either of the above-captioned market-based rate sellers does not wish to continue having market-based rate authority and does not foresee entering into any contracts to sell power at market-based rates, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff and end its obligation to submit further Electric Quarterly Reports.

*The Commission orders:*

(A) Within 15 days of the date of issuance of this order, each public

utility listed in the caption of this order shall file with the Commission all delinquent Electric Quarterly Reports. If a public utility fails to make this filing, the Commission will revoke the public utility's authority to sell power at market-based rates and terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-9906 Filed 5-5-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM05-25-000; RM05-17-000]

#### Preventing Undue Discrimination and Preference in Transmission Service; Notice of Extension of Time

April 29, 2008.

On April 17, 2008, North American Electric Reliability Corporation (NERC) submitted an additional request for an extension of time for public utilities to modify reliability standards related to the calculation of Available Transfer Capability (ATC) in compliance with Order No. 890 and Order No. 693, currently required by May 9, 2008.<sup>1</sup> NERC states that five of the ATC-related reliability standards (MOD-001, MOD-008, MOD-028, MOD-029 and MOD-030) will be completed by August 29, 2008 and expects that work on the sixth reliability standard related to Capacity Benefit Margin (MOD-004) will be completed by November 21, 2008. NERC explains that this additional time is needed to adequately address the concerns raised by the industry regarding the need to fully vet and vote for these reliability standards.

Upon consideration, notice is hereby given that public utilities are granted an extension of time to modify, working through NERC, the reliability standards related to the calculation of ATC as follows: MOD-001, MOD-008, MOD-

028, MOD-029, and MOD-030 shall be submitted on or before August 29, 2008 and MOD-004 shall be submitted on or before November 21, 2008. Public utilities are also granted an extension of time to and including November 27, 2008, to develop, through the North American Energy Standards Board (NAESB), business practices that support the revisions to the NERC reliability standards MOD-001, MOD-008, MOD-028, MOD-029, and MOD-030 and an extension of time to and including February 19, 2009, to develop, through NAESB, business practices that complement the revisions to the NERC reliability standard MOD-004.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-9905 Filed 5-5-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP08-96-000]

#### Arlington Storage Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Thomas Corners Storage Project and Request for Comments on Environmental Issues

April 29, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Thomas Corners Storage Project involving construction and operation of underground natural gas storage, three pipeline lateral facilities, and three interconnections by Arlington Storage Company, LLC (Arlington) in Steuben County, New York. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on May 29, 2008. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested

<sup>4</sup> See *Electric Quarterly Reports*, 115 FERC ¶ 61,073 (2006) (April 2006 Revocation Order); *Electric Quarterly Reports*, 114 FERC ¶ 61,171 (2006) (February 2006 Revocation Order); *Electric Quarterly Reports*, 107 FERC ¶ 61,310 (2004); *Notice of Revocation of Market-Based Rate Tariffs*, 69 Fed. Reg. 57,679 (September 27, 2004); *Electric Quarterly Reports*, 105 FERC ¶ 61,219 (2003); and *Electric Quarterly Reports*, 104 FERC ¶ 61,139 (2003).

<sup>5</sup> See *Dunhill, L.P.*, Docket No. ER07-430-000 (February 13, 2008) (unpublished letter order); *Exel Power Sources, LLC*, Docket No. ER07-591-000 (February 13, 2008) (unpublished letter order).

<sup>6</sup> According to the Commission's records, the companies subject to this order last filed their Electric Quarterly Reports in the quarters and years shown below: See table near footnote 6 reference.

<sup>1</sup> See Notice of Extension of Time, Docket Nos. RM05-17-000, *et al.* (Dec. 6, 2007).