

which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web 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 at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, South proposes to construct, own, and operate one new compressor unit at its existing compressor station near Clarence, Louisiana. This additional compression unit is designed to enhance Gulf South's capability in order to provide the firm transportation service which BG Energy Merchants, LLC has requested.

Any questions regarding the application should be directed to M.L. Gutierrez, Director of Regulatory Affairs, Boardwalk Pipeline Partners, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone at (713) 479-8059, or by facsimile at (713) 479-1846, or by e-mail at [nell.gutierrez@bwpmlp.com](mailto:nell.gutierrez@bwpmlp.com).

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. 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.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL10-63-000]

#### **EnerNOC, Inc. v. FirstEnergy Corp.; Notice Requiring Protective Order and Establishing Answer Date**

July 8, 2010.

On April 30, 2010, EnerNOC, Inc. (EnerNOC) filed a Complaint in this proceeding naming FirstEnergy Corp. (FirstEnergy) as the respondent (April 30 Complaint). On May 11, 2010, EnerNOC, Inc. and FirstEnergy (collectively, the Parties) filed an expedited joint motion to suspend the answer date (Joint Motion), noting that the Parties were working on a solution that would permit use, in this proceeding, of certain materials subject to protection in an on-going proceeding before the Public Utilities Commission of Ohio.

On May 14, 2010, the Commission issued a notice suspending the answer date in this docket, as requested by the Parties (May 14 Notice). In addition, the Commission informed the Parties that the submission, treatment and/or exchange of privileged information in this proceeding would be subject to the requirements of 18 CFR 385.206(e) and would therefore require the submission of a proposed protective agreement.

On July 1, 2010, EnerNOC submitted a supplemental complaint filing (July 1 Supplemental Complaint Filing), under seal, along with a redacted version. EnerNOC requests that its submission, under seal, be accorded confidential treatment, pursuant to 18 CFR 388.112 (2010). EnerNOC further states that a portion of its confidential submittal (Attachment 2) is a data response subject to an existing protective agreement.

EnerNOC's July 1 Supplemental Complaint Filing does not include a proposed form of protective agreement applicable to this proceeding. As indicated by the May 14 Notice, this is required by 385.2069 (e) of the Commission's regulations. Nor does EnerNOC address the means by which the parties to this proceeding will be entitled to review material submitted under seal, or the extent to which the existing protective agreement addresses this matter. Accordingly, EnerNOC is hereby directed to provide to FirstEnergy and to any other entity (at its request) that has filed a motion to intervene, herein, a proposed form of protective agreement that can be used to obtain an unredacted version of EnerNOC's July 1, 2010 submittal and any other submittal

filed under seal. The Commission will require EnerNOC to provide that protected agreement by July 15, 2010. The time period for filing answers, protests and/or comments on EnerNOC's April 30 Complaint and the July 1 Supplemental Complaint Filing will be extended to August 4, 2010.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### **City of Broken Bow, Oklahoma; Project No. 12470-001—Oklahoma Broken Bow Re-Regulation Dam Hydropower Project; Notice of Revised Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places**

July 8, 2010.

On June 8, 2010, the Federal Energy Regulatory Commission (Commission) issued notice of a proposed restricted service list for the preparation of a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Broken Bow Re-Regulation Dam Hydroelectric Project No. 12470. Rule 2010(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR section 385.2010 (2009), provides for the establishment of such a list for a particular phase or issue in a proceeding to eliminate unnecessary expense or improve administrative efficiency. Under Rule 2010(d)(4), persons on the official service list are to be given notice of any proposal to establish a restricted service list and an opportunity to show why they should also be included on the restricted service list or why a restricted service list should not be established.

On June 23, 2010, Southwestern Power Administration filed a response to the notice requesting that it be included in the development of the programmatic agreement. On July 2, 2010, the Commission staff received a telephone request from the Oklahoma State Historic Preservation Office (Oklahoma SHPO) that the Caddo Nation be included in the development of the programmatic agreement.

Under Rule 2010(d)(2), any restricted service list will contain the names of each person on the official service list, or the person's representative, who, in the judgment of the decisional authority