

In more severe situations, congestion may have both economic and reliability components—that is, if an area’s electricity demand essentially outgrows its transmission network, in addition to forcing wholesale buyers to turn to higher-priced sellers, the system may no longer be able to meet NERC reliability standards under one or more contingencies.

A third form of congestion occurs when the transmission network is not sufficient to enable achievement of established federal, state, or local public policy goals. For example, state-imposed renewable portfolio standards may lead to demands for transmission service that exceed the capacity currently available. At the federal level, requirements designed to ensure system resilience and security under extreme stress (e.g., natural disasters or cyber/physical attacks) could create a demand for additional transmission capacity in specific locations.

The Department is initiating its next triennial congestion study, and seeks comments on what publicly-available data and information should be considered, and what types of analysis should be performed to identify and understand the significance and character of transmission congestion. Note: The Department now publishes an *Annual U.S. Transmission Data Review*, now entering its fourth year; it seeks comments about any additional publicly-available data and information that is not already contained in the annual data reviews published in 2015, <https://www.energy.gov/sites/prod/files/2015/08/f26/Transmission%20Data%20Review%20August%202015.pdf>; 2016, [https://www.energy.gov/sites/prod/files/2017/04/f34/Annual%20US%20Transmission%20Data%20Review%202016\\_0.pdf](https://www.energy.gov/sites/prod/files/2017/04/f34/Annual%20US%20Transmission%20Data%20Review%202016_0.pdf); and 2018, <https://www.energy.gov/sites/prod/files/2018/03/f49/2018%20Transmission%20Data%20Review%20FINAL.pdf>.

In preparing the 2009 and 2015 Congestion Studies, the Department gathered historical congestion data obtained from existing studies prepared by regional reliability councils, regional transmission organizations (RTOs) and independent system operators (ISOs), and regional planning groups. The forthcoming study will draw upon many of the same kinds of data, analyses, and information as the earlier studies. These sources may include, but would not be limited to:

- a. Electricity market analyses, including locational marginal price patterns;
- b. Reliability analyses and actions, including transmission loading relief actions;

- c. Historic energy flows;
- d. Current and projected electric supply and generation plans;
- e. Recent, current, and planned transmission and interconnection queues;
- f. Results of any “stress test” analysis of a transmission system based on threat and resilience modeling and any contingency modeling incorporating or accounting for interdependencies throughout energy systems;
- g. Current and forecast electricity loads, including energy efficiency, distributed generation, and demand response plans and policies;
- h. The location of renewable resources and state and regional policies with respect to renewable development;
- i. Projected impacts of current or pending environmental regulation on generation availability;
- j. Effects of recent or projected economic conditions on demand and congestion; and
- k. Filings or regional transmission expansion plans developed in compliance with FERC Orders No. 890 and 1000.

#### National Interest Electric Transmission Corridor Designation

FPA section 216(a)(2) authorizes the Secretary of Energy to designate “any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor” (National Corridor) after completion of a congestion study, and consideration of alternatives and recommendations of interested parties and other public comments. Prior to making a separate federal decision about any proposed designation of a National Corridor, DOE will consider environmental impacts of such a designation, as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Designation of an area as a National Corridor would enable the Federal Energy Regulatory Commission to exercise jurisdiction over the siting of transmission facilities in the National Corridor, if it found that certain preconditions (listed in FPA section 216(b)) have been met.

Some commenters on DOE’s previous congestion studies suggested that in some circumstances it might be informative for DOE to publish a transmission congestion study focused on specific transmission project(s), and if appropriate, designate a National Corridor tailored to the project(s). DOE agrees, but notes that the need for such studies or corridors might not mesh well (in terms of both timing and appropriate granularity) with the triennial large-

geographic-scale congestion studies envisioned in FPA section 216(a)(1). For this reason, DOE will continue to produce the triennial studies required by the statute, and would also respond, perhaps separately, to requests for the preparation of project-specific congestion studies or the designation of related National Corridors.

A party seeking the designation of a project-specific National Corridor should submit the following to DOE:

- a. Data or studies confirming the existence in a specific geographic area of transmission constraints or congestion adversely affecting consumers;
- b. Data or studies confirming that proposed transmission project(s) would ease the congestion and its adverse impacts on consumers;
- c. Information showing how a National Corridor should be bounded in order to be relevant to the proposed transmission project(s); and
- d. Information showing why it would be in the national interest for the Department to intervene in a subject area that is normally subject to state jurisdiction.

Signed in Washington, DC, on August 16, 2018.

**Bruce J. Walker,**

*Assistant Secretary, Office of Electricity, U.S. Department of Energy.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9982–15–OP]

### Notice of Charter Renewal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of charter renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), the National Environmental Justice Advisory Council (NEJAC) is necessary and in the public interest in connection with the performance of duties imposed on the agency by law. Accordingly, NEJAC will be renewed for an additional two-year period. The purpose of the NEJAC is to provide advice and recommendations to the Administrator about issues associated with integrating environmental justice concerns into EPA’s outreach activities, public policies, science, regulatory, enforcement, and compliance decisions.

Inquiries may be directed to Matthew Tejada, NEJAC Designated Federal Officer, U.S. EPA, 1200 Pennsylvania Avenue NW (Mail Code 2202A), Washington, DC 20460, 202-564-8047, [Tejada.Matthew@epa.gov](mailto:Tejada.Matthew@epa.gov).

Dated: August 7, 2018.

**Brittany Bolen,**

Associate Administrator, Office of Policy.

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**FEDERAL COMMUNICATIONS COMMISSION**

[MB Docket No. 18-227; DA 18-761]

**Media Bureau Seeks Comment on the Status of Competition in the Marketplace for Delivery of Audio Programming**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; solicitation of comments.

**SUMMARY:** This document seeks input on the state of competition in the marketplace for the delivery of audio programming as it would relate to the overall goal of providing the *Communications Marketplace Report* to Congress as required by the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Title IV of the RAY BAUM'S Act of 2018 requires that the Commission publish a *Communications Marketplace Report* in the last quarter of every even numbered year.

**DATES:** Comments are due on or before September 24, 2018. Reply comments are due on or before October 9, 2018.

**ADDRESSES:** Interested parties may submit and reply comments, identified by MB Docket No. 18-227, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission's website:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- *People with Disabilities:* Contact the FCC to request reasonable

accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Jake Riehm of the Media Bureau, Industry Analysis Division, (202) 418-2166.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, DA 18-761, released on July 23, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at <https://www.fcc.gov/document/media-bureau-seeks-comment-audio-competition>.

Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY-A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY-B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

**Synopsis**

1. On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Title IV of RAY BAUM'S Act of 2018 amends Section 13 of the Communications Act (the Act) of 1934, and requires that the Commission publish a *Communications Marketplace Report* in the last quarter of every even numbered year. Among other things, the biennial *Communications Marketplace Report* requires that the Commission assess the state of competition in the communications marketplace, including competition to deliver audio service among broadcast stations, satellite radio,

and entities that provide audio content via the internet and to mobile devices. Accordingly, this *Public Notice* seeks input on the state of competition in the marketplace for the delivery of audio programming as it would relate to the overall goal of providing the required *Communications Marketplace Report* to Congress.

2. This *Public Notice* requests comment on the criteria or metrics that could be used to evaluate the state of competition in the audio programming marketplace, as well as comment and information on industry data, competitive dynamics, and trending factors. For example, commenters are invited to submit the following data and information related to participants in the marketplace for the delivery of audio programming, including, but not limited to, terrestrial radio broadcasters (*i.e.*, AM and FM radio stations), satellite radio providers, and entities that provide audio programming over the internet and to mobile devices (collectively, Audio Marketplace Participants):

- Identification and ownership of key Audio Marketplace Participants, as well as the business models and competitive strategies they use;
- trends in service offerings, pricing, and consumer behavior;
- the extent of competition among Audio Marketplace Participants, including intramodal competition (*i.e.*, competition among providers of the same type, such as terrestrial radio broadcast stations) and intermodal competition (*i.e.*, competition among providers of different types, such as terrestrial radio broadcast stations and satellite radio providers);
- ratings, subscribership, and revenue information, for the marketplace as a whole and for individual Audio Marketplace Participants;
- capital investment, innovation, and the deployment of advanced technology;
- requirements for entry into the marketplace; and
- recent entry into and exit from the marketplace.

It is requested that commenters submit information, data, and statistics for 2016 and 2017, as well as information on any notable trends and developments that have occurred during 2018 to date. Industry stakeholders, the public, and other interested parties are encouraged to submit information, comments, and analyses. In order to facilitate analysis of competitive trends, parties should submit current and historic data that are comparable over time. Commenters seeking confidential treatment of their submissions should request that their submission, or a