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**Mark Schneider,**

*Director, Institute of Education Sciences.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER02-2001-020, ER11-4386-001, ER17-297-001, ER11-4536-000, ER17-2512-000, ER13-1120-001, ER11-3019-001, ER15-2466-000]

**Before Commissioners: Neil Chatterjee, Chairman; Cheryl A. LaFleur, Richard Glick, and Bernard L. McNamee; Electric Quarterly Reports, AmericaWide Energy, LLC, Ampex Energy, LLC, Full Circle Renewables, LLC, K&R Energy Partners LLC, Bluesource Energy LLC, Greenbelt Energy, PJLB LLC; Order on Intent To Revoke Market-Based Rate Authority**

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2012), and 18 CFR part 35 (2018), require, among other things, that all rates, terms, and conditions for 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.<sup>1</sup>

2. The Commission requires sellers with market-based rate authorization to

file Electric Quarterly Reports summarizing contractual and transaction information related to their market-based power sales as a condition for retaining that authorization.<sup>2</sup> Commission staff's review of the Electric Quarterly Reports indicates that the following seven public utilities with market-based rate authorization have failed to file their Electric Quarterly Reports: AmericaWide Energy, LLC, Ampex Energy, LLC, Full Circle Renewables, LLC, K&R Energy Partners LLC, Bluesource Energy LLC, Greenbelt Energy, and PJLB LLC. 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>3</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>4</sup>

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of market-based rate sellers that failed to submit their Electric Quarterly Reports.<sup>5</sup>

6. Sellers must file Electric Quarterly Reports consistent with the procedures set forth in Order Nos. 2001, 768,<sup>6</sup> and 770.<sup>7</sup> The exact filing dates for Electric Quarterly Reports are prescribed in 18 CFR 35.10b (2018). As noted above, Commission staff's review of the Electric Quarterly Reports for the period up to the third quarter of 2018 identified seven public utilities with market-based rate authorization that failed to file Electric Quarterly Reports. Commission staff contacted or attempted to contact these entities to remind them of their regulatory obligations. Despite these reminders, the public utilities listed in the caption of this order have not met these obligations. 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 any 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 any of the above-captioned market-based rate sellers does not wish to continue having market-based rate authority, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

### 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 subject to this order fails to make the filings required in this order, the Commission will revoke that public utility's market-based rate authorization and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this

80 FR 58,243 (Sep. 28, 2015); *Electric Quarterly Reports*, 79 FR 65,651 (Nov. 5, 2014).

<sup>6</sup> *Electricity Market Transparency Provisions of Section 220 of the Federal Power Act*, Order No. 768, 140 FERC 61,232 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013), *order on reh'g*, Order No. 768-B, 150 FERC ¶ 61,075 (2015).

<sup>7</sup> *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, 141 FERC 61,120 (2012).

<sup>1</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, 99 FERC 61,107, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 125 FERC 61,103 (2008). See also *Filing Requirements for Electric Utility Service Agreements*, 155 FERC ¶ 61,280, *order on reh'g and clarification*, 157 FERC ¶ 61,180 (2016) (clarifying Electric Quarterly Reports reporting requirements and updating Data Dictionary).

<sup>2</sup> See *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 816, 153 FERC 61,065 (2015), *order on reh'g*, Order No. 816-A, 155 FERC ¶ 61,188 (2016); *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, 119 FERC 61,295, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, 123 FERC 61,055, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, 125 FERC 61,326 (2008), *order on reh'g*, Order No. 697-C, 127 FERC 61,284 (2009), *order on reh'g*, Order No. 697-D, 130 FERC 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011), *cert. denied sub nom. Public Citizen, Inc. v. FERC*, 567 U.S. 934 (2012).

<sup>3</sup> Order No. 2001, 99 FERC 61,107.

<sup>4</sup> *Id.* P 223.

<sup>5</sup> See, e.g., *Electric Quarterly Reports*, 82 FR 60,976 (Dec. 26, 2017); *Electric Quarterly Reports*,

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.

Issued: February 25, 2019.

**Kimberly D. Bose,**  
Secretary.

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**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2015-0765; FRL-9989-87-ORD]

### Board of Scientific Counselors (BOSC) Homeland Security Subcommittee Meeting—March 2019

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

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act the U.S. Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee.

**DATES:** The meeting will be held on Tuesday, March 19, 2019, from 3:00 p.m. to 5:00 p.m. All times noted are Eastern Time. The meeting may adjourn early if all business is finished. Attendees should register by March 18, 2019. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to one business day before the meeting.

**ADDRESSES:** The meeting will be a conference call and the number will be provided following registration at <https://www.eventbrite.com/e/us-epa-bosc-homeland-security-subcommittee-teleconference-tickets-53965523333>.

Submit your comments to Docket ID No. EPA-HQ-ORD-2015-0765 by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email*: Send comments by electronic mail (email) to: [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov), Attention Docket ID No. EPA-HQ-ORD-2015-0765.
- *Fax*: Fax comments to: (202) 566-0224, Attention Docket ID No. EPA-HQ-ORD-2015-0765.

- *Mail*: Send comments by mail to: Board of Scientific Counselors (BOSC) Homeland Security Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-ORD-2015-0765.

- *Hand Delivery or Courier*: Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Washington, DC, Attention Docket ID No. EPA-HQ-ORD-2015-0765. *Note*: this is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions*: The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

*Docket*: All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly

available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the ORD Docket is (202) 566-1752.

**FOR FURTHER INFORMATION CONTACT:** The Designated Federal Officer via mail at: Tom Tracy, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; via phone/voice mail at: (202) 564-6518; via fax at: (202) 565-2911; or via email at: [tracy.tom@epa.gov](mailto:tracy.tom@epa.gov).

#### SUPPLEMENTARY INFORMATION:

*General Information*: The meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making comments at the meeting may contact Tom Tracy, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, anyone making an oral presentation will be limited to a total of three minutes. All attendees must register online at <https://www.eventbrite.com/e/us-epa-bosc-homeland-security-subcommittee-teleconference-tickets-53965523333> by March 18, 2019. Proposed agenda items for the meeting include but not limited to the following: Review of charge questions, draft subcommittee report and Subcommittee discussion.

*Information on Services for Individuals with Disabilities*: For information on access or services for individuals with disabilities, please contact Tom Tracy at (202) 564-6518 or [tracy.tom@epa.gov](mailto:tracy.tom@epa.gov). To request accommodation of a disability, please contact Tom Tracy, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: February 12, 2019.

**Fred S. Hauchman,**

Director, Office of Science Policy.

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