

Subsequently, complainant filed for a State fair hearing with the SLA. A hearing on this matter was held on May 22 and June 19, 2002. On April 11, 2003, the hearing officer affirmed that complainant failed to establish any violations by the SLA regarding complainant's four grievances and the SLA's administration of the Nevada Randolph-Sheppard vending facility program. However, the hearing officer ruled that the complainant should not be responsible for the lease payments for his business vehicle for Facility #43 while a vending company serviced his vending route. The SLA adopted the hearing officer's decision as final agency action. The complainant sought review of that decision by a Federal arbitration panel.

#### Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority ruled that—(1) The complainant was never appointed the Southern Nevada Representative and, therefore, had no first right of refusal for new vending routes in southern Nevada; (2) because the complainant completed all of the requirements of the corrective action plan, the SLA must place him back to work either into his previous position or in a suitable route but that there should be no damages because his net compensation during the time he was removed from the route had not diminished; (3) the SLA had fulfilled the order of the State hearing officer by paying for lease and insurance payments on complainant's vehicle because the complainant had been deducting these expenses from the set-aside normally paid to the SLA; (4) the loaning of start-up funds to the vendor by the SLA was not in violation of the Act; and (5) the arbitration hearing was not the proper venue for allegations that one of the panel members should have recused himself from the panel.

One panel member dissented from one of the panel's rulings—that the SLA should return the complainant to his previous vending route or a similar vending route—based upon the belief that an arbitration panel does not have the authority to specify an award to the vendor even when a violation of the Act has been found.

One panel member dissented from the entirety of panel's decision with the exception of the panel's ruling that the SLA should return the complainant to his previous vending route or a similar vending route.

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

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Dated: December 1, 2006.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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#### DEPARTMENT OF ENERGY

##### Bonneville Power Administration

##### Windy Point Wind Energy Project; November 2006

**AGENCY:** Bonneville Power Administration (BPA), Department of Energy.

**ACTION:** Notice of Record of Decision (ROD).

**SUMMARY:** This notice announces the availability of the ROD to offer contract terms for interconnection of up to 250 megawatts of power to be generated by the proposed Windy Point Wind Energy Project (Wind Project) into the Federal Columbia River Transmission System (FCRTS). BPA has considered both the economic and environmental consequences of taking action to integrate power from the Wind Project into the FCRTS. The Wind Project would be interconnected at BPA's Rock Creek Substation (under construction) along BPA's Wautoma—John Day No. 1 500-kilovolt transmission line. The Wind Project would be located between 6 to 15 miles southeast of Goldendale, Washington, north and northwest of the community of Goodnoe Hills. The project would be east of Highway 97 and south of Hoctor Road, and would be constructed on and next to a high ridgeline overlooking the Columbia River. This decision is consistent with

and tiered to BPA's Business Plan Final Environment Impact Statement (BP EIS) (DOE/EIS-0183, June 1995), and the Business Plan Record of Decision (BP ROD, August 15, 1995).

**ADDRESSES:** Copies of the ROD may be obtained by calling BPA's toll-free document request line, 1-800-622-4520. The ROD is also available on our Web site, <http://www.efw.bpa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Nancy Wittpen, Bonneville Power Administration—KEC-4, P.O. Box 3621, Portland, Oregon, 97208-3621; toll-free telephone number 1-800-282-3713; fax number 503-230-5699; or e-mail [nawittpen@bpa.gov](mailto:nawittpen@bpa.gov).

Issued in Portland, Oregon, on November 29, 2006.

**Stephen J. Wright,**

*Administrator and Chief Executive Officer.*

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#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. RP00-305-030]

##### CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Negotiated Rate

November 29, 2006.

Take notice that on November 22, 2006, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective November 22, 2006:

First Revised Sheet No. 10E  
First Revised Sheet No. 10F

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 and 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 in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or