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**List of Subjects**

*18 CFR Part 35*

Electric utilities, Incorporation by reference, Reporting and recordkeeping requirements.

*18 CFR Part 37*

Conflict of interests, Electric utilities, Reporting and recordkeeping requirements.

*18 CFR Part 38*

Conflict of interests, Electric power plants, Electric utilities, Incorporation by reference, Reporting and recordkeeping requirements.

By direction of the Commission.

**Magalie R. Salas,**  
*Secretary.*

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18, *Code of Federal Regulations*, as follows.

**PART 35—FILING OF RATE SCHEDULES AND TARIFFS**

1. The authority citation for part 35 continues to read as follows:

**Authority:** 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

2. In § 35.28, add paragraph (c)(1)(vi) to read as follows:

**§ 35.28 Non-discriminatory open access transmission tariff.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(vi) Each public utility's open access transmission tariff must include the standards incorporated by reference in part 38 of this chapter.

\* \* \* \* \*

**PART 37—OPEN ACCESS SAME-TIME INFORMATION SYSTEMS**

3. The authority citation for part 37 continues to read as follows:

**Authority:** 16 U.S.C. 791-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

4. In § 37.5, paragraph (b) is revised to read as follows:

**§ 37.5 Obligations of transmission providers and responsible parties.**

\* \* \* \* \*

(b) A Responsible Party must provide access to an OASIS providing standardized information relevant to the availability of transmission capacity, prices, and other information (as described in this part) pertaining to the transmission system for which it is responsible.

\* \* \* \* \*

5. Part 38 is added to read as follows:

**PART 38—BUSINESS PRACTICE STANDARDS AND COMMUNICATION PROTOCOLS FOR PUBLIC UTILITIES**

**Authority:** 16 U.S.C. 791-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

Sec.

38.1 Applicability.

38.2 Incorporation by reference of North American Energy Standards Board Wholesale Electric Quadrant standards.

**§ 38.1 Applicability.**

This part applies to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce and to any non-public utility that seeks voluntary compliance with jurisdictional transmission tariff reciprocity conditions.

**§ 38.2 Incorporation by reference of North American Energy Standards Board Wholesale Electric Quadrant standards.**

(a) All entities to which § 38.1 is applicable must comply with the following business practice and electronic communication standards promulgated by the North American Energy Standards Board Wholesale Electric Quadrant, which are incorporated herein by reference:

- (1) Open Access Same-Time Information Systems (OASIS) Business Practice Standards (WEQBPS-001-000, January 15, 2005) with the exception of the Definitions of "Affiliate," "Responsible Party," "Reseller," "Transmission Provider," "Transmission Customer," and "Wholesale Merchant Function," and Standard 1, including Standards 1.1 through 1.8, and Standard 9.7.
- (2) Open Access Same-Time Information Systems (OASIS) Standards

and Communication Protocols (WEQSCP-001-000, January 15, 2005);

(3) Open Access Same-Time Information Systems (OASIS) Data Dictionary (WEQDD-001-000, January 15, 2005);

(4) Coordinate Interchange Standards (WEQBPS-002-000, January 15, 2005);

(5) Area Control Error (ACE) Equation Special Cases Standards (WEQBPS-003-000, January 15, 2005);

(6) Manual Time Error Correction Standards (WEQBPS-004-000, January 15, 2005); and

(7) Inadvertent Interchange Payback Standards (WEQBPS-005-000, January 15, 2005).

(b) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these standards may be obtained from the North American Energy Standards Board, 1301 Fannin, Suite 2350, Houston, TX 77002. Copies may be inspected at the Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

[FR Doc. 05-9797 Filed 5-16-05; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[REG-117969-00 and REG-125628-01]

RIN 1545-BD76 and RIN 1545-BA65

**Statutory Mergers and Consolidations; Revision of Income Tax Regulations Under Sections 358, 367, 884, and 6038B Dealing With Statutory Mergers or Consolidations Under Section 368(a)(1)(A) Involving One or More Foreign Corporations; Hearing Cancellation**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed rulemaking that affects corporations engaging in mergers

and consolidations and their shareholders under sections 358, 368(a)(1)(A), 367 and 884 of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for Thursday, May 19, 2005, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Publications and Regulations Branch, Associate Chief Counsel (Procedures and Administration) (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The notices of proposed rulemaking and notices of public hearing that appeared in the **Federal Register** on Wednesday, January 5, 2005 (70 FR 746 and 70 FR 749), announced that a public hearing was scheduled for Thursday, May 19, 2005, at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 358, 368(a)(1)(A), 367, and 884 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Thursday, April 28, 2005. Outlines of oral comments were due on Thursday, April 28, 2005.

The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit outlines of the topics to be addressed. As of Friday, May 6, 2005, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, May 19, 2005, is cancelled.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 05-9612 Filed 5-16-05; 8:45 am]

**BILLING CODE 4830-01-P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 31

[REG-162813-04]

RIN 1545-BE20

#### Withholding Exemptions: Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document corrects a notice of proposed rulemaking by cross-

reference to temporary regulations that was published in the **Federal Register** on Thursday, April 14, 2005 (70 FR 19721). The document contains temporary regulations providing guidance under section 3402(f) of the Internal Revenue Code (Code) for employers and employees relating to the Form W-4, "Employee's Withholding Allowance Certificate."

**FOR FURTHER INFORMATION CONTACT:** Margaret A. Owens, (202) 622-0047 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04), that is the subject of this correction is under section 3402 of the Internal Revenue Code.

##### Need for Correction

As published, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04) contains an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04) that was the subject of FR Doc. 05-6719, is corrected as follows:

On page 19722, column 2, under the amendatory instructional "Paragraph 1.," Line 2, the language "for part 1 continues to read, in part, as" is corrected to read, "for part 31 continues to read, in part, as".

**Cynthia Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).*

[FR Doc. 05-9611 Filed 5-16-05; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 258

[Docket No. 2005-4 CARP SRA-Digital]

#### Rate Adjustment for the Satellite Carrier Compulsory License

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Copyright Office of the Library of Congress is submitting for public comment a proposed settlement

of royalty rates for the retransmission of digital over-the-air television broadcast signals by satellite carriers under the statutory license.

**DATES:** Comments and Notices of Intent to Participate must be submitted no later than June 16, 2005.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a comment and a Notice of Intent to Participate should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Office of the General Counsel/CARP, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, S.E., Washington, DC 20559-6000. If delivered by a commercial courier, an original and five copies of a comment and a Notice of Intent to Participate must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Streets, N.E., between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel/CARP, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment and a Notice of Intent to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Comments and Notices of Intent to Participate may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya Sandros, Associate General Counsel, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** On December 8, 2004, the President signed the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA"), a part of the Consolidated Appropriations Act of 2005. Pub.L. 108-447. SHVERA extends for an additional five years the statutory license for satellite carriers retransmitting over-the-air television broadcast stations to their subscribers, 17 U.S.C. 119, as well as making a number of amendments to the license. One of the amendments to section 119 sets forth a process, for the first time, for adjusting the royalty fees paid by