

electric industry similar to those that it proposed in the Gas Credit NOPR? What are the relevant differences between the gas and electric industries that need to be taken into account?

5. For the purpose of credit standards, does it matter who the market participant is (*e.g.*, are there different standards for financial institutions as opposed to municipal entities)?

**B. Questions Regarding ISOs/RTOs:**

6. Are credit requirements and costs related to creditworthiness negatively impacting market participation in ISO/RTO markets and liquidity levels?

7. What cost-effective steps can be taken to minimize exposure to risk among market participants (*e.g.*, shortening settlement periods, or evaluating credit on a net obligation basis)?

8. Are there elements of existing market rules that can be improved to reduce unnecessary credit requirements?

9. How can the mutualized default risk in ISOs/RTOs be reduced?

10. How can barriers to entry, if there are any, be minimized, while preserving adequate collateral to protect markets?

11. For the purpose of credit standards, does it matter who the market participant is (*e.g.*, are there different credit standards for investor owned participants with physical assets, financial institutions, and municipal entities)?

12. How should a load serving entity that is the provider of last resort be treated in the event of a default?

13. Is there a need to allow for regional variations among RTOs/ISOs with regard to credit policies? If so, what level of standardization may be achieved?

**C. Questions regarding credit-related solutions with potential applicability to Transmission Providers and/or ISO/RTO markets:**

14. Can clearing be applied to the electricity industry with respect to Transmission Providers and/or non-ISO/RTO markets, as it has been in other sectors (for instance, equity and fixed income clearing is performed by the Depository Trust Clearing Corporation for trading on the New York Stock Exchange, American Stock Exchange, and NASDAQ)? If so, what type of new or existing entity would provide the clearing services and does it need to be granted a franchise monopoly for any or all of its services?

15. What options are available to either insure or otherwise outsource risks currently self-insured or mutualized by market participants (*e.g.*, insurance, credit default swaps)?

16. What are the benefits and costs of the preceding credit-related solutions (*i.e.*, clearing and insurance) or other such solutions? Are they cost-effective? How would the benefits and costs of these solutions be allocated?

**Public Comment Information**

As discussed, in preparation for the technical conference, the Commission invites interested persons to submit written comments on the matters and issues raised in this notice, including any related matters or alternative proposals that commenters may wish to discuss. All written comments should be submitted on or before June 25, 2004. We are hereby establishing a proceeding, Docket No. AD04-8-000, to provide an opportunity for all interested persons to submit comments, and all future actions with respect to the technical conference will also be taken under that docket.

All comments should include an executive summary; the summary should not exceed two pages and the comments should not exceed 15 pages. In addition, if answering a specific question in paragraph eight of this notice, please identify the number of that question. To conserve time and avoid unnecessary expense, persons with common interests or views are encouraged to submit joint comments. Comments related to this proceeding may be filed in paper format or electronically. However, the Commission strongly encourages electronic filings. Those filing electronically do not need to make a paper filing.

Documents filed electronically via the Internet can be prepared in a variety of formats, including MS Word, Portable Document Format, Real Text Format, or ASCII format, as listed on the Commission's Web site at <http://www.ferc.gov>, under the e-Filing link. The e-Filing link provides instructions for how to Login and complete an electronic filing. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's e-mail address upon receipt of comments.

For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426, during regular business hours. In

addition, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's home page using the eLibrary link.

**Conference Information**

As noted, upon evaluation of the comments requested herein, the Commission will hold a technical conference open to all interested persons. The technical conference will be held on July 13, 2004 at 9:30 a.m. (e.s.t.) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.

There is no charge to attend the conference and no requirement to register in advance for the conference. The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at 202-347-3700 or 800-336-6646. Transcripts will be placed in the public record ten days after the Commission receives them.

Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, by phone or via satellite. Persons interested in receiving the broadcast or who need information on making arrangements should contact David Reininger or Julia Morelli at Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.org> and click on "FERC."

Interested parties are urged to watch for further notices providing more information on the conference. You may register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new issuances and filings related to this docket. For additional information please contact Eugene Grace, 202-502-8543 or by e-mail at [eugene.grace@ferc.gov](mailto:eugene.grace@ferc.gov).

**Magalie R. Salas,**

*Secretary.*

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**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**[Docket No. PL04-6-000]**

**Solicitation Processes for Public Utilities; Supplemental Notice of Agenda for Technical Conference**

May 28, 2004.

1. The attachment to this supplemental notice provides additional

information concerning the technical conference to discuss issues associated with solicitation processes for power procurement on June 10, 2004, from 9 a.m. to 12 p.m. (e.s.t.) in the Commission's Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. All interested persons are invited to attend. Microphones will be available to enable those in the audience to participate in the discussion as issues arise.

2. The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at 202-347-3700 or 800-336-6646. Transcripts will be placed in the public record 10 days after the Commission receives the transcripts. Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, by phone or via satellite. Persons interested in receiving the broadcast, or who need information on making arrangements, should contact David Reininger or Julia Morelli at Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.org> and click on "FERC."

3. For more information about the conference, please contact Mary Beth Tighe at 202-502-6452 or [mary.beth.tighe@ferc.gov](mailto:mary.beth.tighe@ferc.gov).

**Magalie R. Salas,**  
Secretary.

**Solicitation Processes for Public Utilities  
Technical Conference, June 10, 2004, 9 a.m.–  
12 p.m. (e.s.t.)**

*Agenda*

In *Boston Edison Re: Edgar Electric Company*, 55 FERC ¶ 61,382 (1991) (*Edgar*), the Commission held that in analyzing market-based rate transactions between an affiliated buyer and seller, the Commission must ensure that the buyer has chosen the lowest-cost supplier from among the options presented, taking into account both price and non-price terms. As such, *Edgar* addressed the concern in that case that utilities would choose to purchase power from their affiliates at inflated prices rather than at competitive levels from unaffiliated entities. The effect was that such higher costs could have been passed on to wholesale (as well as retail) customers. The Commission's *Edgar* policy, which has been in effect since 1991, involves a review of power purchase agreements between affiliates to determine whether the rate is just and reasonable and whether there is an absence of self-dealing. Recently, with the development of significant amounts of independent generation in every region, competitive alternatives to affiliate purchases have increased. Thus, the Commission is interested in having a

discussion addressing the issues listed below.

Panelists will each be asked to address issues among the following in an overview followed by questions and general discussion:

1. Is the Commission's *Edgar* policy adequate to ensure that the most competitive power procurement choice is being made by utilities when affiliates are involved? Should the policy include a requirement for a competitive solicitation? If so, how should the solicitation be designed?

2. To the extent you have been involved in solicitation processes to date:

■ Please briefly describe the product solicited (e.g., power purchase agreement, dispatchable asset-backed contract, firm load-following power).

■ Was the competition on price only or also non-price factors?

■ How were the following treated: transmission service; FTRs; participation by affiliates, including the use of utility land/facilities?

■ Discuss creditworthiness screening, conduct of the bid/auction, post-bid negotiations, regulatory oversight, and independent observer.

3. Prior to initiating a competitive solicitation, should there be a collaborative process (outreach) to achieve consensus on issues with respect to the solicitation design and the evaluation criteria to be used? If so, what should be the characteristics of that collaborative process?

4. Are there ways to ensure that there is no preferential dealing among affiliates in soliciting and awarding power purchase agreements? If so, what safeguards should be included?

5. To what extent are transmission service and monopsony power factors in the competitive solicitation? What criteria should be established under the Commission's *Edgar* policy to ensure that all participants are treated in a non-discriminatory manner?

6. Should a market monitor or independent entity oversee the administration of solicitations in which affiliates are involved? To the extent a monitor is involved, what criteria should be established to ensure that the monitor is independent of all parties participating in the solicitation process? For example, how should the monitor be selected? By whom? To whom should the monitor report? Who should pay for the monitor's services?

7. Provide proposals for "best practice" competitive solicitation methods or principles that could be used to ensure that power transactions are the result of a fair, transparent and accurate process.

8. How can FERC and State regulators coordinate in the design and oversight of solicitation processes?

Panel I—9 a.m.–10:30 a.m. (e.s.t.): John Hilke, Federal Trade Commission; Craig Roach, Principal, Boston Pacific Company, Inc.; Harvey Reiter, Partner, Stinson, Morrison, Hecker LLP; Ron Walter, Executive Vice President—Development, Calpine Corporation; Ed Comer, Vice President and General Counsel, Edison Electric Institute.  
Break—10:30 a.m.–10:45 a.m.

Panel II—10:45 a.m.–12 p.m.: Tom Welch, Chairman, Maine Public Utilities Commission; Elizabeth Benson, Energy Associates, CLECO Independent Monitor; Ershel Redd, President, Western Region, NRG; Ted Banasiewicz, Principal, USA Power LLC.

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**ENVIRONMENTAL PROTECTION  
AGENCY**

[OPPT-2004-0095; FRL-7361-9]

**TSCA Section 8 (a) Preliminary  
Assessment Information Rule (PAIR);  
Request for Comment on Renewal of  
Information Collection Activities**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA is seeking public comment and information on the following Information Collection Request (ICR): TSCA Section 8 (a) Preliminary Assessment Information Rule (PAIR) (EPA ICR No. 0586.10, OMB No. 2070-0054). This ICR involves a collection activity that is currently approved and scheduled to expire on October 31, 2004. The information collected under this ICR relates to identifying, assessing, and managing human health and environmental risks from chemical substances, mixtures, and categories. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

**DATES:** Written comments, identified by the docket ID number OPPT-2004-0095, must be received on or before August 9, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).