

## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
ALL OTHER ZONES .....	PARK TETON WESTON	6.41

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 385**

[Docket No. RM99-9-000; Order No. 610]

**Designation of Corporate Officials or Other Persons To Receive Service**

Issued: November 10, 1999.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is adding a new paragraph (i) to § 385.2010 (Rule 2010) of its regulations to require that all entities regulated by the Commission designate a corporate official or other person to receive service of certain types of pleadings where a person to receive service has not otherwise been designated under the Commission's regulations. Each regulated entity would be required to file with the Commission: the name of the corporate official or other person that is to receive service; the title of the corporate official or person, if applicable; the address of the official, including, where applicable, department, room number, or mail routing code; the telephone number of the corporate official or person; the facsimile number of the corporate official or person, if applicable; and the electronic mail address of the corporate official or person, if applicable. Each regulated entity would have a continuing obligation to file updated information with the Commission.

The Commission will maintain a list of designated officials in the Office of the Secretary of the Commission and to make the list available to the public in hard copy and through the Commission's web site.

**DATES:** The regulations are effective December 17, 1999.

**ADDRESSES:** Federal Energy Regulatory Commission 888 First Street, NE, Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** David Faerberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-1275.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE, Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission from November 14, 1994, to the present. CIPS can be accessed via Internet through FERC's Home Page (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. Documents will be available on CIPS in ASCII and WordPerfect 8.0. User assistance is available at 202-208-2474 or by E-mail to [cips.master@ferc.fed.us](mailto:cips.master@ferc.fed.us).

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Home Page using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to [rims.master@ferc.fed.us](mailto:rims.master@ferc.fed.us).

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, NE, Washington, DC 20426.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, William L. Massey, Linda Breathitt, and Curt Hébert, Jr.

The Federal Energy Regulatory Commission (Commission) is revising its regulations to require that all entities regulated by the Commission must designate a corporate official or other person to receive service.

**I. Background**

On July 28, 1999, as a result of a suggestion made by the Interstate Natural Gas Association of America (INGAA) on rehearing of Order No. 602,<sup>1</sup> the Commission issued a notice of proposed rulemaking (NOPR) proposing to add a new paragraph (i) to § 385.2010 (Rule 2010) to require that all entities regulated by the Commission designate at least one, but not more than two, corporate officials or other persons to receive service of certain types of pleadings where a person to receive service has not otherwise been designated under the Commission's regulations.<sup>2</sup>

The NOPR stated that the Commission would maintain a list of designated officials in the Office of the Secretary of the Commission and make the list available to the public in hard copy and through the Commission's web site. However, the Commission invited comments on what other ways the names of designated officials could be made available to interested persons. The Commission asked whether regulated entities should be required to post the names of designated corporate officials on a company's EBB or web site. The Commission also asked whether a company should be required to periodically mail the names of the designated corporate officials to its customers or other persons otherwise affected by its operations. The Commission was also interested in receiving comments on what level of burden, if any, will a distribution requirement place on a regulated entity.

<sup>1</sup> Complaint Procedures, Order No. 602, 64 FR 17087 (Apr. 8, 1999), III FERC Stats. & Regs. ¶ 31,071 (1999), *order on reh'g and clarification*, Order No. 602-A, 64 FR 43600 (Aug. 11, 1999), III FERC Stats. & Regs. ¶ 31,076 (1999), *order on reh'g*, Order No. 602-B, 88 FERC ¶ 61,294 (1999).

<sup>2</sup> Designation of Corporate Officials or Other Persons to Receive Service, 64 FR 42307 (Aug. 4, 1999), IV FERC Stats. & Regs. ¶ 32,543 (July 28, 1999).

In order to implement the new service requirements, the Commission proposed to add a new paragraph (i) to § 385.2010 (Rule 2010).<sup>3</sup> In the NOPR, the Commission stated that placement of the requirements in the Rules of Practice and Procedure should provide sufficient notice of the obligations of both regulated entities and parties who desire to serve pleadings on regulated entities for purposes of initiating a proceeding before the Commission. However, the Commission requested comments on whether it would be appropriate to place the new requirements in that section of the regulations or whether there may be other places in the regulations which would be more appropriate.

Comments on the NOPR were filed by CNG Transmission Corporation (CNG), INGAA, Williston Basin Interstate Pipeline Company (Williston), Chevron Pipe Line Company (Chevron), and Duke Energy Corporation (Duke).

## II. Discussion

All of the commenters support the NOPR and the proposed regulations as drafted. The final rule adopts the regulations as proposed in the NOPR subject to certain clarifications discussed below. Each regulated entity is required to file with the Commission:

(1) The name of the corporate official or other person that is to receive service; (2) the title of the corporate official or person, if applicable; (3) the address of the official, including, where applicable, department, room number, or mail routing code; (4) the telephone number of the corporate official or person; (5) the facsimile number of the corporate official or person, if applicable; and (6) the electronic mail address of the corporate official or person, if applicable. Each regulated entity has a continuing obligation to file updated information with the Commission.

The Office of the Secretary of the Commission will maintain a list of designated officials and make the list available to the public in hard copy and through the Commission's web site. For ease of use, the Commission proposed that the list be divided by industry. This list will be separate and apart from the official service lists that the Secretary maintains for each proceeding pursuant to § 385.2010(c) of the Commission's regulations (Rule 2010). Thus, in situations where an official service list is maintained for an existing proceeding, a party would be required to serve the person designated by the regulated entity for that proceeding. Where there is no service list because,

for example, the proceeding is initiated by the Commission or another entity, a party will be required to serve the person designated pursuant to proposed § 385.2010(i).

The commenters do not support duplication of service information through other methods of distribution such as periodic mailings or separate postings on company EBBs or web sites. The commenters submit that information will be most effective if the official data are maintained by the Commission on its web site and in hard copy. The commenters assert that maintaining multiple sources of information could create the possibility of inconsistent data leading to disputes about proper service. The commenters argue that such confusion would undermine the NOPR's purpose of the efficient service and receipt of pleadings.

The Commission agrees with the commenters that the service information required by the rule should be officially maintained only by the Commission in order to avoid confusion. Nevertheless, the Commission encourages regulated entities to maintain service information on their EBBs or web sites as a convenience to their customers.

Chevron requests clarification with respect to protests to oil pipeline tariff filings. Chevron states that the current Commission regulations allow a pipeline to designate, in the transmittal letter accompanying the tariff filing, the person to receive any protest to the tariff. Chevron interprets the Commission's statement in the NOPR that such a designation would continue to govern service of protests, rather than any general designation as envisioned in the NOPR. The Commission grants Chevron's request for clarification. As the Commission stated in the NOPR, proposed § 385.2010(i) was only designed to cover situations where a person to receive service has not otherwise been designated under the Commission's regulations. The situation described by Chevron is covered by two regulations. Under § 385.203 of the Commission's regulations, the initial pleading or rate filing of a person must contain, among other things, the name, address and telephone number of at least one person on whom service is to be made. In addition, § 343.3(a) states that:

Any protest pursuant to section 15(7) of the Interstate Commerce Act must be filed not later than 15 days after the filing of a tariff publication. If the carrier submits a separate letter with the filing, providing a telefax number and contact person, and requesting all protests to be telefaxed to the carrier by a protestant, any protest must be so telefaxed

to the pipeline at the time the protest is filed with the Commission.

Duke requests that the Commission clarify the proposed rule in two respects. First, Duke requests that the Commission make clear in the final rule that, for entities such as Duke that have numerous corporate affiliates and divisions conducting activities subject to the Commission's jurisdiction under the Federal Power Act, Natural Gas Act and other statutory provisions, each such corporate affiliate and division is to designate persons to receive service under the new regulation. Second, Duke states that in some cases individual companies conduct activities that are subject to Commission regulation under different statutory schemes. For example, Duke Power, which is a division of Duke Energy Corporation, engages in activities regulated by the Commission under Part II of the Federal Power Act and also is a hydroelectric licensee regulated by the Commission pursuant to Part I of the Federal Power Act. Duke believes that it makes sense for such companies to designate one person to receive service of documents pertaining to Part II matters and a different person to receive service of documents pertaining to Part I matters, and requests that the Commission so clarify in its final rule. Duke submits that the clarification requested will ensure that the company personnel responsible for a particular jurisdictional activity will receive service of the filed documents pertaining to that activity and thus will further the goal of the Commission's NOPR.

The Commission clarifies that companies subject to this regulation may provide the names of officials or persons to receive service for each jurisdictional activity in which the regulated entity engages. Thus, in Duke's case, for example, it can provide one contact person for electric matters and another person for hydroelectric matters. This should ensure that the appropriate personnel receive documents in a timely manner.

## III. Information Collection Statement

The Commission finds that the information required to be provided by regulated entities is so minimal that it does not impose any measurable additional burden on regulated entities. Therefore, no public reporting burden estimates were made.

## IV. Environmental Analysis

The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a

<sup>3</sup> 18 CFR 385.2010.

significant adverse impact on the human environment.<sup>4</sup> The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.<sup>5</sup> The actions proposed to be taken here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.<sup>6</sup> Therefore, an environmental assessment is unnecessary and has not been prepared for this final rule.

## V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA) requires agencies to prepare certain statements, descriptions and analyses of proposed rules that will have an impact on a substantial number of small entities.<sup>7</sup> The Commission is not required to make such analyses if a rule would not have such an effect.<sup>8</sup>

In the Commission's view, this rule would not have a significant economic impact on small entities. The companies that are regulated by the Commission, who would have to designate a corporate official to receive service, generally do not meet the RFA's definition of a small entity.<sup>9</sup> Further, it would be easier for any small entity to serve a pleading on a regulate company if that company had a specific official designated to receive service. Therefore, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

## VI. Effective Date

The regulations are effective December 17, 1999. The Small Business Regulatory Enforcement Fairness Act of 1996 requires agencies to report to Congress certain final rules prior to their effective dates.<sup>10</sup> Since this final rule concerns agency practice and procedure, a determination as to whether it is a major or non-major rule is not necessary and Congressional notification is not required.

## List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

**David P. Boergers,**  
*Secretary.*

In consideration of the foregoing, the Commission amends Part 385, Chapter I, Title 18, *Code of Federal Regulations*, as follows.

## PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

2. In § 385.2010, new paragraph (i) is added to read as follows:

### § 385.2010 Service (Rule 2010)

\* \* \* \* \*

(i) *Designation of Corporate Officials to Receive Service.* (1) Any entity subject to regulation by the Commission must designate at least one, but not more than two, corporate officials or other persons to receive service of complaints, petitions for declaratory order, show cause orders, data requests, investigatory letters or other documents where a person to receive service has not otherwise been designated under Commission regulations. Each entity must file with the Secretary of the Commission:

(i) The name of the corporate official or person that is to receive service;

(ii) The title of the corporate official or person, if applicable;

(iii) The address of the corporate official or person, including, where applicable, department, room number, or mail routing code;

(iv) The telephone number of the corporate official or person;

(v) The facsimile number of the corporate official or person, if applicable; and

(vi) The electronic mail address of the corporate official or person, if applicable.

(2) Each regulated entity has a continuing obligation to file with the Secretary of the Commission updated information concerning the corporate official or person designated to receive service.

(3) A list of corporate officials and persons designated to receive service pursuant to this paragraph will be maintained by the Secretary of the Commission and will be made available

to the public in hard copy upon request and through the Commission's web site at <http://www.ferc.fed.us>.

(4) Any person who wishes to serve a complaint or petition for declaratory order on any entity regulated by the Commission must serve the corporate official or person designated pursuant to this paragraph (i).

(5) The Commission will serve show cause orders, data requests, investigatory letters or other documents on the corporate official or person designated under this paragraph (i).

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 74

[Docket No. 92C–0348]

### Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2—Aluminum Lake on Alumina; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of October 5, 1999 (64 FR 48288), for the final rule that appeared in the **Federal Register** of September 3, 1999, and that amended the color additive regulations to provide for the safe use of FD&C Blue No. 2—Aluminum Lake on alumina to color bone cement. The agency also transferred the listing for the use of FD&C Blue No. 2 in sutures to reflect that sutures in which this color additive is used are devices, not drugs.

**DATES:** Effective date confirmed: October 5, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3089.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of September 3, 1999 (64 FR 48288), FDA amended the color additive regulations to provide for the safe use of FD&C Blue No. 2—Aluminum Lake on alumina to color bone cement. To reflect that sutures in which this color additive is used are devices, not drugs, the agency also transferred the listing for the use of FD&C Blue No. 2

<sup>4</sup> Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987).

<sup>5</sup> 18 CFR 380.4.

<sup>6</sup> See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27).

<sup>7</sup> 5 U.S.C. 601–612.

<sup>8</sup> 5 U.S.C. 605(b).

<sup>9</sup> 5 U.S.C. 601(3).

<sup>10</sup> 5 U.S.C. 801.