

Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

[Description of facility.]

[Names of the electric utilities with which the facility expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power (if known).]

Any person who wishes to be heard or to object to granting qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. A motion or protest must be filed within \_\_\_\_\_ days after the date of publication of this notice and must be served on the applicant. 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. A person who wishes to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

\* \* \* \* \*

(d) *Revocation of qualifying status*  
 (1)(i) If a qualifying facility fails to conform with any material facts or representations presented by the cogenerator or small power producer in its submittals to the Commission, the notice of self-certification of the qualifying status of the facility, pre-authorized Commission re-certification notice, or Commission order certifying the qualifying status of the facility may no longer be relied upon. At that point, if the facility continues to conform to the Commission's qualifying criteria under this part, the cogenerator or small power producer may file either a notice of self-recertification of qualifying status pursuant to the requirements of paragraph (a)(1) of this section, a pre-authorized Commission recertification notice pursuant to the requirements of paragraph (a)(2) of this section, or an application for Commission recertification pursuant to the requirements of paragraph (b) of this section, as appropriate.

(ii) The Commission may, on its own motion or on the motion of any person, revoke the qualifying status of a facility that has been certified under paragraph (b) of this section, if the facility fails to conform to any of the Commission's qualifying facility criteria under this part.

(iii) The Commission may revoke the qualifying status of a self-certified qualifying facility upon the filing of a petition for a declaratory order that the self-certified qualifying facility does not meet applicable requirements for qualifying facilities.

(2) Prior to undertaking any substantial alteration or modification of a qualifying facility which has been certified under paragraph (b) of this section, a small power producer or cogenerator may apply to the Commission for a determination that the proposed alteration or modification will not result in a revocation of qualifying status. This application for Commission recertification of qualifying status should be submitted in accordance with paragraph (b) of this section.

**PART 294—PROCEDURES FOR SHORTAGES OF ELECTRIC ENERGY AND CAPACITY UNDER SECTION 206 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978**

22. The authority citation for Part 294 is revised to read as follows:

**Authority:** 5 U.S.C. 553; 16 U.S.C. 791a-825r; 42 U.S.C. 7107-7352.

23. In § 294.101, paragraphs (b)(5) and (f) are added as follows:

**§ 294.101 Shortages of electric energy and capacity.**

\* \* \* \* \*

(b) *Accommodation of shortages.*

\* \* \*

(5) Notwithstanding any other provision of this section, a public utility need not file the statement with the Commission if the public utility provides in its rate schedules to firm power wholesale customers that:

(i) During electric energy and capacity shortages it will treat without undue discrimination or preference, prejudice, or disadvantage firm power wholesale customers; and

(ii) It will report any modifications to its contingency plans for accommodating shortages within 15 days to:

(A) The appropriate State regulatory agency and

(B) To the affected wholesale customers.

\* \* \* \* \*

(f) *Report of anticipated shortage.*

Notwithstanding any other provision of this part, if a public utility provides in its rate schedule that it will make such reports to the appropriate state regulatory agency and to its firm power wholesale requirements customers, then it need only report to the Commission the nature and projected duration of the anticipated capacity or energy supply shortage and supply a list of the firm power wholesale customers affected or likely to be affected by the shortage. Upon receiving the public utility's report of anticipated shortage of electric energy or capacity, the Commission will

decide what further reports, if any, to require.

**PART 382—ANNUAL CHARGES**

24. The authority citation for part 382 is revised to read as follows:

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

25. In § 382.102, paragraphs (h), (i), (j) and (k) are revised, paragraphs (l), (m) and (n) are removed, and paragraphs (o), (p), (q), (r) and (s) are redesignated (l), (m), (n), (o) and (p), respectively to read as follows:

**§ 382.102 Definitions.**

\* \* \* \* \*

(h) *Long-term firm sales and transmission activities* means the portion of the Commission's electric regulatory program devoted to the regulation of long-term firm sales and transmission.

(1) *Long-term firm sales* are the jurisdictional sales of capacity and energy under contracts that do not anticipate service interruptions, and are of five years or more duration. The capacity and energy must be available to a resale customer at all times during the period covered by a commitment, even under adverse conditions. This includes sales supplying the full requirements or partial requirements of a customer, and sales of energy from unit or system capacity of a long-term duration (five years or more) under contracts that do not anticipate service interruptions when capacity is operationally available. These sales are those reported in the FERC Form No. 1 in Account 447 as Sales-for-Resale transactions with statistical classifications of RQ, LF or LU or sales determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter.

(2) *Long-term firm transmission* is jurisdictional transmission of capacity and energy under contracts that do not anticipate service interruptions, and are of one year or more duration. This transmission is that reported in the FERC Form No. 1 in Account 456 as Transmission for Others transactions with the statistical classification of LF or transmission for others determined on a basis consistent with FERC Form No. 1 reporting for those public utilities exempt from § 141.1 of this chapter. All MWhs attributable to sales and transmission transactions are to be reported in their respective accounts on the FERC Form No. 1 irrespective of the method of billing.