

Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: October 27, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-28396 Filed 11-1-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2698-052]

Duke Energy Carolinas, LLC; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project No:* 2698-052.

c. *Date Filed:* August 22, 2011.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* East Fork Project.

f. *Location:* The project is located on the East Fork Tuckasegee River and Wolf Creek in Jackson County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Jeffrey G. Lineberger, Duke Energy Carolinas, LLC, 526 South Church Street, P.O. Box 1006, Charlotte, NC 28202, (704) 382-5942.

i. *FERC Contact:* Rebecca Martin, (202) 502-6012, Rebecca.martin@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* November 28, 2011.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. Please include the project number (P-2698-052) on any comments or motions filed.

k. *Description of Application:* Duke Energy Carolina, LLC is requesting Commission approval to install and operate a new small turbine for providing minimum flows to the Tuckasegee River from the Cedar Cliff Development, as required by article 404 of the project's license. The licensee also requests to adjust the project's authorized installed capacity (AIC) to agree with the definition in 18 CFR 11.1(i). The AIC would change from 26,175 KW specified in the license, to 24,280 KW, which includes a 395KW increase from the minimum flow unit and adjustments to AIC for all three developments at the project to account for differences in net head resulting from operations under the new license for the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the

Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field (P-2698) to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-(866) 208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular

application. If an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: October 27, 2011.

Kimberly D. Bose,
Secretary.

[FR Doc. 2011-28395 Filed 11-1-11; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL10-4-000]

Technical Conference on Penalty Guidelines; Second Notice of Technical Conference on Penalty Guidelines

On September 21, 2011, the staff of the Federal Energy Regulatory Commission (Commission) issued a Notice of Technical Conference on Penalty Guidelines to be held on November 17, 2011. The conference will be held from 1 p.m. to 4:30 p.m. Eastern Standard Time in the Commission Meeting Room at the Commission's headquarters located at 888 First Street NE., Washington, DC 20426.

The purpose of the conference is to discuss the impact of the Penalty Guidelines, which the Commission issued on September 17, 2010,¹ on compliance and enforcement matters. The schedule and topics for the conference are as follows:²

- 1 p.m.–1:30 p.m.—Opening Remarks by Commission Members
- 1:30 p.m.–2:45 p.m.—First Panel—*Compliance Efforts Since Issuance of Penalty Guidelines*
- 2:45 p.m.–3 p.m.—Break
- 3 p.m.–4:15 p.m.—Second Panel—*Various Issues Affecting Penalty Calculations*
- 4:15 p.m.–4:30 p.m.—Closing Remarks by Commission Members

The first panel will focus on organizations' compliance efforts since issuance of the Penalty Guidelines.

Section 1B2.1 of the Penalty Guidelines provides guidance to industry on compliance, describing seven elements organizations should follow to establish effective compliance programs. This panel will explore whether and how this guidance has helped organizations prioritize their compliance efforts. It will also discuss steps organizations have taken to modify their compliance programs in light of the Penalty Guidelines. Finally, this panel will provide an opportunity for industry to raise comments and questions for staff and the Commission on specific aspects of the compliance-related sections in the Penalty Guidelines.

The second panel will focus on certain issues affecting penalty calculations under the Penalty Guidelines. In particular, it will address three issues that have received significant attention since the Penalty Guidelines were issued. First, this panel will examine the function and usefulness of Penalty Guidelines section 2B1.1(b)(2), which accounts for the scope of violations by considering the volume of energy involved in a violation as well as the violation's duration. As part of this examination, the panel will consider whether volume and duration are already sufficiently accounted for in the "loss" calculation contained in section 2B1.1(b)(1). Second, this panel will discuss whether the Penalty Guidelines should account for situations in which the entity that committed a violation passed any of the gain it received from the violation to its ratepayers. Third, this panel will address the treatment of multiple violations under section 1A1.1, which states: "Where an organization has engaged in multiple acts of fraud, anti-competitive conduct, or other rule, tariff, and order violations * * * or made multiple misrepresentations or false statements * * * each act will be treated as a separate violation. But in calculating the harm for purposes of determining the penalty, it is the cumulative harm of the multiple violations that is taken into account." Specifically, this panel will explore whether penalties should be calculated based on each separate act or based on the conduct as a whole—or whether it should depend on the type of violation or the particular facts and circumstances of the investigation.

The Commission will accept comments related to the Penalty Guidelines and their application for thirty days after the conference.

A revised notice will be issued before the conference if there are changes to the conference format, schedule, or panelists. All interested persons are

invited to attend the conference, and there is no registration and no fee to attend. The conference will not be transcribed but will be webcast. A free webcast of this event will be available through <http://www.ferc.gov>. Anyone with Internet access who desires to view this event can do so by navigating to <http://www.ferc.gov's> Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the webcasts and offers access to the meeting via phone bridge for a fee. If you have any questions, you may visit <http://www.CapitolConnection.org>.

FERC conferences and meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to accessibility@ferc.gov or call toll free (866) 208-3372 (voice) or (202) 502-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

Questions about the technical conference may be directed to Jeremy Medovoy by email at Jeremy.Medovoy@ferc.gov or by telephone at (202) 502-6768, or to David Applebaum by email at David.Applebaum@ferc.gov or by telephone at (202) 502-8186.

Dated: October 27, 2011.

Kimberly D. Bose,
Secretary.

Agenda

- 1 p.m.–1:30 p.m.—Opening Remarks by Commission Members
- 1:30 p.m.–2:45 p.m.—First Panel—*Compliance Efforts Since Issuance of Penalty Guidelines*
- Andrew K. Soto—Senior Managing Counsel, American Gas Association
- Nancy Bagot—Vice President of Regulatory Policy, Electric Power Supply Association
- Shari Gribbin—Assistant General Counsel and Manager, FERC Compliance, Exelon Corporation; Member, Edison Electric Institute
- Susan N. Kelly—Vice President of Policy Analysis and General Counsel, American Public Power Association
- Richard Meyer—Senior Regulatory Counsel, National Rural Electric Cooperative Association
- Joan Dreskin—General Counsel, Interstate Natural Gas Association of America
- 2:45 p.m.– 3 p.m.—Break
- 3 p.m.– 4:15 p.m.—Second Panel—*Various Issues Affecting Penalty Calculations*

¹ *Enforcement of Statutes, Orders, Rules, and Regulations*, 132 FERC ¶ 61,216 (2010).

² A list of panelists is included in the attached agenda.