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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: :
CONSENT MARKETS, TARIFFS AND RATES - ELECTRIC :
CONSENT MARKETS, TARIFFS AND RATES - GAS :
CONSENT ENERGY PROJECTS - MISCELLANEOUS :
CONSENT ENERGY PROJECTS - CERTIFICATES :
DISCUSSION ITEMS :
STRUCK ITEMS :
- - - - -x

950TH COMMISSION MEETING

OPEN SESSION

Commission Meeting Room
Federal Energy Regulatory
Commission
888 First Street, N.E.
Washington, D.C.

Thursday, September 17, 2009
10:10 a.m.

1 APPEARANCES:

2 COMMISSIONERS PRESENT:

3 CHAIRMAN JON WELLINGHOFF (Presiding)

4 COMMISSIONER SUEDEEN G. KELLY

5 COMMISSIONER MARC SPITZER

6 COMMISSIONER PHILIP MOELLER

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P R O C E E D I N G S

(10:10)

CHAIRMAN WELLINGHOFF: This is the time and place noticed for the open meeting of the Federal Energy Regulatory Commission. We're here today to consider the matters that have been duly posted in accordance with the Government in the Sunshine Act.

If you could all join me now for the Pledge of Allegiance, please?

(Pledge of Allegiance recited.)

CHAIRMAN WELLINGHOFF: Before we turn to our agenda today, I've got a items, administrative matters, that I'd like to start out with.

At the June open meeting, I announced that Norman Bay would be our new Director of Enforcement, and, today, I'd like to formally introduce Norman and his management team that he's put in place for the Office of Enforcement.

Norman is a former U.S. Attorney for the District of New Mexico, and a Professor of Law at the University of New Mexico. He also had a stint with the Justice Department here in D.C.

He's a graduate of Dartmouth College and Harvard Law School, and he's selected Larry Gasteiger to be his Deputy Director. Where's Larry today? Is Larry here today? Hi, Larry.

1 Larry has held a number of positions with the
2 Commission, including Deputy Division Director of the Office
3 of Energy Markets and Regulation, Deputy Associate General
4 Counsel, Legal Advisor to former Chairman Kelliher, and an
5 attorney in the Solicitor's Office.

6 Max Minser, who is right here, has joined us as
7 Special Counsel in the Office of Enforcement. Since 2006,
8 Max has been a member of the faculty of the Benjamin Cardoza
9 School of Law in New York City.

10 Prior to his faculty position, he was the
11 Assistant U.S. Attorney for the Eastern District of New
12 York. Max is a graduate of Brown University and Yale Law
13 School.

14 I'm confident that, with their leadership, they
15 will build in the Commission's commitment to a balanced
16 regulatory approach to enforcement, while creating a first-
17 class federal regulatory Enforcement Office. We're very,
18 very happy to have you here, Norman.

19 I have two announcements to make today about
20 upcoming personnel changes. First, for General Counsel,
21 Cindy Marlette will be leaving the Commission on November
22 3rd, after 30 years of government service.

23 Second, I am pleased to announce that our new
24 General Counsel will be Mr. Tom Sheets. Tom is currently in
25 private practice, but he recently retired from Southwest Gas

1 Corporation, after 21 years as Senior Officer and General
2 Counsel there.

3 He's also worked as a Senior Attorney at Sierra
4 Pacific Resources, and at Toledo Edison, so I know he will
5 bring extensive experience in the electric and gas area, to
6 this new position.

7 Tom will come onboard in October, and Cindy will
8 help ensure a smooth transition during that month, and also
9 finish working on mediation efforts in New England.

10 And I know that Cindy doesn't like big speeches,
11 doesn't want a lot said about her, so I'm simply take this
12 opportunity to thank her for her many years of dedicated
13 service, and ask my fellow Commissioners and everyone
14 assembled, to wish her well in her new adventures that she
15 decides to pursue when she leaves us in November. Thank
16 you, Cindy.

17 (Applause.)

18 CHAIRMAN WELLINGHOFF: Thank you, Cindy.

19 I make my final announcement with some sadness
20 and joy. David Mornoff will be moving to OGC as Special
21 Counsel. I'm sad, since I'm losing a trusted and valuable
22 advisor, someone who has mentored me as much as I've been
23 able to potentially mentor him, someone I have learned a
24 great deal from, and have had a wonderful opportunity to
25 work with very closely over the years.

1 David's been with me since 2006, when I came to
2 the Commission and I will miss him tremendously. On the
3 other hand, I think his joining OGC, is a tremendous
4 opportunity for him and an excellent career decision, and I
5 know that he will be an outstanding addition to that
6 organization.

7 So, as I say, I'm happy for him to have this
8 opportunity, and he is a very multi-talented individual, and
9 I will also say he's one of the nicest people I've ever had
10 the opportunity to know and work with.

11 David is a graduate of Brown University and
12 Harvard Law School. Prior to coming to work for me, he was
13 a Senior Associate at Troutman Sanders.

14 I do have, though, joining my staff, a very
15 competent new Advisor, Mariana Cruz. Mariana has been at
16 the Commission for a year. Between 2004 and 2008, she
17 worked for the law firms of White & Case and Balch and
18 Bingham.

19 Mariana is a graduate of the College of William
20 and Mary, and William and Mary School of Law. I'm very
21 happy to have Mariana join my team as an advisor.

22 Since the July open meeting, we've issued 177
23 Notational Orders, and, with that, Madam Secretary, there
24 are no presentations today, and we can turn to the Consent
25 Agenda.

1 SECRETARY BOSE: Good morning, Mr. Chairman; good
2 morning, Commissioners. Since the issuance of the Sunshine
3 Act Notice on September 20, 2009, Items E-10, H-2, and H-4,
4 have been struck from this morning's agenda.

5 Your Consent Agenda Items for this morning, are
6 as follows:

7 Electric Items: E-1, E-4, E-5, E-6, E-7, E-8, E-
8 11, E-12, E-13, E-14, and E-15.

9 Gas Items: G-1 and G-2.

10 Hydro Items: H-1, H-3, and H-5.

11 Certificate Items: C-1, C-2, C-3, and C-4.

12 Commissioner Kelly is not participating in
13 Consent Items E-4 and E-5.

14 Chairman Wellinghoff is not participating in
15 Consent Item E-12.

16 We will now take a vote on this morning's Consent
17 Agenda, beginning with Commissioner Moeller.

18 COMMISSIONER MOELLER: Aye.

19 SECRETARY BOSE: Commissioner Spitzer?

20 COMMISSIONER SPITZER: Votes aye.

21 SECRETARY BOSE: Commissioner Kelly?

22 COMMISSIONER KELLY: With the exceptions of E-4
23 and E-5, I vote aye.

24 SECRETARY BOSE: And Chairman
25 Wellinghoff?

1 CHAIRMAN WELLINGHOFF: With my noted recusal on
2 E-12, I vote aye.

3 We're done with the Consent Agenda, and if
4 there's nothing else to come before the Commission, we are
5 adjourned.

6 (Whereupon, at 10:16 a.m., the Open Meeting was
7 concluded.)

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