

171 FERC ¶ 61,182
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick, Bernard L. McNamee,
and James P. Danly.

The Empire District Electric Company

Docket No. ER20-432-000

ORDER CONDITIONALLY GRANTING REQUEST FOR WAIVER OF AFFILIATE
RESTRICTIONS

(Issued May 29, 2020)

1. On November 20, 2019, as amended on April 9, 2020 and May 1, 2020, The Empire District Electric Company (Empire) filed a request for waiver of certain provisions in 18 C.F.R. §§ 35.39 and 35.44 (2019),¹ to permit Empire-designated marketing employees to perform certain scheduling and related activities for certain of Empire's affiliates. In this order, we conditionally grant waiver, as discussed below, effective May 1, 2020, as requested.

I. Request for Waiver

2. Empire states that it seeks waiver so that Empire-designated marketing employees may perform scheduling and related services associated with: (1) two solar small power production facilities indirectly owned by Liberty Utilities (CalPeco Electric) LLC (CalPeco), an affiliate; and (2) three wind generating projects that will be indirectly owned by Empire.

3. Empire states that it is a vertically-integrated public utility with captive customers. Empire states that it is regulated by the Missouri Public Service Commission, the Kansas Corporation Commission, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission. Empire states that it owns or controls approximately

¹ More specifically, Empire seeks waiver of 18 C.F.R. §§ 35.39(c)(2), 35.39(d)(1), 35.39(e), 35.39(f)(2)(i) and 35.39(f)(2)(ii), as well as 18 C.F.R. § 35.44(b). May 1, 2020 Filing at 1.

1,800 MW of generation. Empire states that all requests for transmission service on Empire's transmission system are made through the Southwest Power Pool, Inc. (SPP) under the terms and conditions of the SPP Open Access Transmission Tariff.

4. Empire states that CalPeco is a franchised public utility with captive customers, and that CalPeco directly owns a 12 MW diesel-fired generation facility in California.

5. Empire states that the Commission has authorized Liberty Utilities (Luning Holdings) LLC, a direct subsidiary of CalPeco, to acquire Luning Energy LLC (Luning), a 50 MW solar project,² and that the Commission has accepted Luning's request to make power sales to its affiliate CalPeco pursuant to a long-term power purchase agreement filed with the Commission.³ Empire states that Liberty Utilities (Turquoise Holdings) LLC has acquired Turquoise Liberty Project Co (Turquoise), a 10 MW solar facility. Empire states that Luning and Turquoise are financed using tax equity vehicles and approximately five to seven years after the commercial operation date of each facility, when the tax investors recover their investment, the Luning and Turquoise projects will be wholly owned by CalPeco.⁴

6. Empire states that it has signed purchase and sale agreements to acquire indirect and controlling interests in three wind projects for a total capacity of approximately 600 MW: (1) Neosho Ridge Wind, LLC (Neosho Ridge), a 301 MW wind generating facility to be constructed in Kansas; (2) Kings Point Wind, LLC (Kings Point), an approximately 150 MW wind generating facility that will be located in Missouri; and (3) North Fork Ridge Wind, LLC (North Fork Ridge), an approximately 150 MW wind generating facility that will also be located in Missouri.

7. Empire states that the costs for the three wind projects will be included in the rate base of Empire upon approval by the Missouri Public Service Commission, the Kansas Corporation Commission, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission. Empire states that the costs for the Luning and Turquoise solar facilities are included in the rate base of CalPeco.

² Empire November 20, 2020 Filing at 4 (citing *Luning Energy LLC*, 157 FERC ¶ 62,109 (2016)).

³ *Id.* (citing *Luning Energy LLC*, Docket No. ER17-299-000 (Jan. 31, 2017) (delegated letter order)).

⁴ *Id.* at 6.

8. Empire states that Liberty Utilities Service Corp. (Liberty Services) is a centralized service company that employs all United States-based employees of subsidiaries of Liberty Utilities Co. (Liberty Utilities), except CalPeco and other regulated utilities owned by Liberty Utilities in California. Liberty Utilities is an indirect, wholly owned subsidiary of Algonquin Power & Utilities Corp. (Algonquin) and an indirect owner of Empire. Empire states that Liberty Services maintains the separation of functions of all employees in Liberty Services in accordance with the Commission's regulations.

9. Empire seeks authorization for the Liberty Services employees that support Empire's franchised public utility services to provide scheduling and related activities to support Empire's bundled retail load as well as for CalPeco, the Luning and Turquoise solar projects, and the Neosho Ridge, North Fork Ridge, and Kings Point wind projects.⁵

10. Empire states that Liberty Services employees that support Empire's franchised public utility services (referred to as Empire employees) currently perform all scheduling-related services for Empire-owned generation. Empire states that if waiver is granted, Empire employees will perform these same scheduling and related services for CalPeco, Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point.

11. Empire states that, if needed, Empire employees would provide the following services for CalPeco and the Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point market-regulated power sales affiliates: analysis related to energy marketing; scheduling coordinator services; checkout meter data with counterparties; settlements services and analysis, including creating Electric Quarterly Reports and supplying relevant data inputs needed for FERC Form 1 reporting; evaluate power purchase agreements and requests for proposals related to selling power; submit transmission reservations; tag power purchases in OATI; forecast generation; administer OATI certificates; negotiate bilateral sales agreements; and monitor counterparty credit exposure. Empire states that it will allocate costs of its employees and costs to third parties incurred by both power and non-power goods and services to provide these services as it assesses costs generally within Liberty Services, i.e. at the cost for the service and in accordance with Algonquin's Cost Allocation Manual.

12. Empire states that as public utilities with captive customers, CalPeco and Empire are subject to three affiliate-related regulations: (1) Standards of Conduct, 18 C.F.R. Part 358 (2019); (2) affiliate restrictions between franchised public utilities with captive

⁵ Empire states that because CalPeco is a franchised public utility with captive customers, and Turquoise is a qualifying facility that is not considered a market-regulated power sales affiliate, technically waiver with respect to these entities is not required. However, because Empire will provide scheduling services to all of these entities, Empire has included them for purposes of describing the scope of the request.

customers and market-regulated power sales affiliates, 18 C.F.R. § 35.39 (2019); and (3) cross subsidization rules, 18 C.F.R. § 35.44 (2019). Empire states that of the two public utilities with captive customers, only Empire owns Commission-jurisdictional transmission facilities and that the Standards of Conduct continue to apply.

13. With respect to the affiliate restrictions, Empire states that waiver of sections 35.39(c)(2), 35.39(d)(1), 35.39(e), and 35.39(f) of the Commission's regulations to allow Empire to schedule and perform the activities identified in its filing will be a benefit to Empire's captive customers.

14. In support of this, Empire states that CalPeco and Empire have undertaken the transactions to acquire the solar and wind projects in order to take advantage of tax-exempt financing while at the same time providing renewable resources to their service areas. Empire states that CalPeco has passed, and Empire will pass, those financial savings on to their customers. Empire states that scheduling and related activities to maximize efficiencies, coordinate scheduling, perform forecasting, and other sharing of information will be used to the benefit of captive customers and consistent with the intent of the Commission when it promulgated these rules.

15. Next, Empire states that revenues received for the services provided by Empire to CalPeco, Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point will not provide an incentive to maximize affiliate profits to the detriment of Empire or CalPeco's captive customers. Empire states that CalPeco and Empire indirectly own the solar and wind facilities and that CalPeco and Empire's customers benefit from the financing savings from the tax equity structure and will benefit from the revenues received for the products generated from the units. Empire states that Empire's incentive is to perform services to benefit the solar and wind projects, which will benefit Empire's and CalPeco's captive customers.

16. Empire states that waiver of the prohibition on sharing market information (18 C.F.R. § 35.39(d)(1) (2019)) is justified. Empire states that any sharing of information between Empire and the market-regulated power sales affiliates will benefit captive customers. Empire states that any market information shared by Empire will be shared with the ultimate goal of maximizing the performance from the wind and solar projects, the benefits of which flow to CalPeco's and Empire's captive retail customers.

17. Empire states that waiver of the restriction on sales of non-power goods or services (18 C.F.R. § 35.39(e) (2019)) will benefit Empire's and CalPeco's captive retail customers. Empire states that it seeks waiver so that Empire (via Liberty Services) can provide its services at cost. Empire states that employees that support Empire's services to its retail load are employed by Liberty Services as a centralized service company as defined by 18 C.F.R. § 367.1(a)(7) (2019) of the Commission's regulations.

Empire states that Liberty Services allocates the costs of employees, and all non-power goods and services, on an at cost basis. Empire states that allocations between Empire-related costs for services provided to the market-regulated power sales affiliates will be on the same basis as all costs are allocated. Empire asserts that there is no way for Liberty Services, via its cost allocation methodology, to favor one entity over another to the detriment of captive customers. Empire maintains that all entities are treated in exactly the same manner. Empire adds that Liberty Services does not provide any non-power goods and services to any entity other than its affiliates.⁶

18. Empire states that its provision of services to CalPeco, Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point will not create cost-subsidization issues.

19. Empire states that in Order No. 707-A, the Commission explained that the higher of cost/market standard is unnecessary when the utility is not providing goods or services to non-affiliates.⁷ Empire states that it does not offer services to any other entity and will not be foregoing profits if it provides its services at cost. Empire notes that in Order No. 707-A, the Commission found that there would be no foregone profits from selling at cost, even where market prices are higher, where the utility is not providing these goods or services to non-affiliates.

20. With respect to the restriction on affiliate sales of electric energy in 18 C.F.R. § 35.44(a) (2019), Empire states that the Commission has already approved the sale of power from Luning to CalPeco, although Luning, like Turquoise, is currently delivering power to NV Energy pursuant to Rate Schedule 55 and under its market-based rate authority. Empire states that Neosho Ridge, North Fork Ridge, and Kings Point will sell energy into SPP's Integrated Marketplace.

21. With respect to 18 C.F.R. § 35.44(b) (2019), Empire states that non-power goods and services will be provided at cost by Liberty Services – a centralized service company. Empire states that Liberty Services-related costs are charged to each entity pursuant to Algonquin's Cost Allocation Manual and affiliate service agreements that are in place. Empire states that to the extent that the Commission deems Empire to be providing any goods and services, Empire requests waiver to permit it to provide non-power goods and services to affiliates at cost. Empire asserts that requiring the pricing of non-goods and services to be at higher of market or cost will not benefit captive customers, and under the proposed at cost standard, all of the affiliates will be treated equally. Empire asserts that there is no way for captive customers to be harmed because there is no incentive for

⁶ November 20 Filing at 12.

⁷ *Id.* at 13 (citing *Cross-Subsidization Restrictions on Affiliate Transactions*, Order No. 707, 122 FERC ¶ 61,155, *order on reh'g*, Order No. 707-A, 124 FERC ¶ 61,047 (2008)).

the market-regulated power sales affiliates to profit at the expense of Empire or CalPeco due to the ownership structure of the parties.

II. Notice of Filing and Responsive Pleadings

22. Notice of Empire's November 20, 2019 filing was published in the *Federal Register*,⁸ with interventions and comments due on or before December 11, 2019. None was filed.

23. Notice of Empire's April 9, 2020 filing was published in the *Federal Register*,⁹ with interventions and comments due on or before April 30, 2020. None was filed.

24. Notice of Empire's May 1, 2020 filing was published in the *Federal Register*,¹⁰ with interventions and comments due on or before May 11, 2020. None was filed.

III. Discussion

25. As discussed below, we conditionally grant Empire's request for waiver of the separation of functions provision in 18 C.F.R. § 35.39(c)(2) (2019) to permit Empire to share employees as described and discussed in its request for waiver. However, we note that this waiver does not affect Empire's obligation to comply with the no-conduit provisions of section 35.39(g).¹¹

26. In Order No. 697, the Commission codified certain affiliate restrictions in its regulations to protect captive customers from the potential for a franchised public utility to interact with a market-regulated power sales affiliate in ways that transfer benefits to the affiliate and its stockholders to the detriment of the captive customers.¹² Captive customers are defined as "any wholesale or retail electric energy customers served by a

⁸ 84 Fed. Reg. 65,380 (Nov. 27, 2019).

⁹ 85 Fed. Reg. 21,423 (Apr. 17, 2020).

¹⁰ 85 Fed. Reg. 27,736 (May 11, 2020).

¹¹ 18 C.F.R. § 35.39(g).

¹² *Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295, at PP 467, 490, 513, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, 125 FERC ¶ 61,326 (2008), *order on reh'g*, Order No. 697-C, 127 FERC ¶ 61,284 (2009), *order on reh'g*, Order No. 697-D, 130 FERC ¶ 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011).

franchised public utility under cost-based regulation.”¹³ The affiliate restrictions govern, among other things, the separation of functions, the sharing of market information, sales of non-power goods or services, and power brokering. The Commission requires that, as a condition of receiving and retaining market-based rate authority, sellers comply with these affiliate restrictions unless explicitly permitted by Commission rule or order granting waiver of the affiliate restrictions.¹⁴ As a market-based rate seller, Empire is required to comply with the affiliate restrictions in section 35.39 of the Commission’s regulations. Failure to satisfy the conditions set forth in these affiliate restrictions constitutes a violation of a seller’s market-based rate tariff.¹⁵

27. Under the separation of functions requirement in the affiliate restrictions (18 C.F.R. § 35.39(c)(2) (2019)), employees of market-regulated power sales affiliates must operate separately, to the maximum extent practical, from employees of affiliated franchised public utilities with captive customers.¹⁶ On April 15, 2010, in response to a request for clarification, the Commission provided guidance regarding which employees may not be shared under the affiliate restrictions.¹⁷ Specifically, the Commission clarified that, consistent with Order No. 697-A, a franchised public utility with captive customers and its market-regulated power sales affiliate may not share employees that make economic dispatch decisions or that determine the timing of scheduled outages.¹⁸ The Commission has also explained that, to the extent that affected entities believe they need additional guidance concerning compliance with the currently effective market-based rate affiliate restrictions, they may submit a request for a no-action letter regarding specific proposed transactions, practices, or situations¹⁹ or may seek waiver of the market-based rate affiliate restrictions on a case-by-case basis.²⁰

¹³ Order No. 697-A, 123 FERC ¶ 61,055 at P 202; 18 C.F.R. § 35.36(a)(6).

¹⁴ *Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, 131 FERC ¶ 61,021, at P 2 (2010) (April 15 Clarification Order), *order granting in part request for extension of time to comply*, 132 FERC ¶ 61,014 (July 2 Order), *order denying reh’g*, 134 FERC ¶ 61,046 (2011).

¹⁵ Order No. 697, 119 FERC ¶ 61,295 at PP 549-550.

¹⁶ 18 C.F.R. § 35.39(c)(2)(i).

¹⁷ April 15 Clarification Order, 131 FERC ¶ 61,021 at P 43.

¹⁸ *Id.*

¹⁹ *See* July 2 Order, 132 FERC ¶ 61,014 at P 5 (citing *Interpretative Order Modifying No-Action Letter Process & Reviewing Other Mechanisms for Obtaining Guidance*, 123 FERC ¶ 61,157 (2008)).

²⁰ *See id.* (citing *Cleco Power LLC*, 130 FERC ¶ 61,102).

28. We conditionally grant Empire's request for waiver of the separation of functions requirement in 18 C.F.R. § 35.39(c)(2) (2019) of the Commission's regulations to permit Liberty Services employees that support Empire's franchised public utilities to provide the services described in Empire's application for CalPeco, Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point. Our decision relies on Empire's representations that scheduling and related activities to maximize efficiencies, coordinate scheduling, perform forecasting, and other sharing of information will be used to the benefit of captive customers.²¹ Further, Empire commits that grant of waiver will not be used to harm or be used to the detriment of captive customers.²² In addition, Empire states that revenues received by Empire for the services that will be provided by Empire to CalPeco, Luning, Turquoise, Neosho Ridge, North Fork Ridge, and Kings Point will not provide an incentive to maximize affiliate profits to the detriment of Empire or CalPeco's captive customers.²³

29. Additionally, as a condition of the waiver granted herein, we will require Empire to maintain sufficient records to enable the Commission to audit whether the representations and commitments made in the request for waiver remain true and accurate, including the commitment that captive customers will not be harmed.

30. With respect to its request for waiver of section 35.39(d)(1),²⁴ Empire states that any market information shared by Empire will be shared with the ultimate goal of maximizing the performance from the wind and solar projects, the benefits of which flow to the captive retail customers of CalPeco and Empire.²⁵

31. Empire confirms that it will share information with its market-regulated power sales affiliates only to the extent the sharing is necessary to perform the scheduling and related activities. Empire states that it will not share information with market-regulated power sales affiliates that is non-public information regarding a non-affiliated generators' upcoming or outage schedule or information about the non-affiliated generator's historical generation volumes, unless such information is simultaneously disclosed to the

²¹ November 20 Filing at 10.

²² May 1 Filing at 5.

²³ November 20 Filing at 11.

²⁴ Section 35.39(d)(1) provides that: “[a] franchised public utility with captive customers may not share market information with a market-regulated power sales affiliate if the sharing could be used to the detriment of captive customers, unless simultaneously disclosed to the public.”

²⁵ November 20 Filing at 12.

public. Empire also states that it will not share with its market-regulated power sales affiliates that it intends to sell power to a third party, including but not limited to, the price and quantity it intends to offer, unless such information is simultaneously disclosed to the public. Further, Empire states that to the extent that Empire employees are the same employees engaging in scheduling activities and know information regarding non-public information involving third parties (i.e., this information cannot be separated within one person), Empire commits not to use the information to the detriment of captive customers. Empire notes that all of its generation dispatch decisions are designed to benefit its captive customers. Empire adds that it will retain records sufficient to show that it is meeting its commitments.²⁶

32. We grant Empire's request for waiver of the information sharing restrictions in section 35.39(d)(1), based on Empire's representations, including its commitment to not use the information to the detriment of captive customers, and that captive customers will not be harmed. Additionally, as a condition of this waiver, we will require Empire to maintain sufficient records to enable the Commission to audit whether the representations and commitments made in its request for waiver remain true and accurate, including its commitment to not use the information to the detriment of captive customers.

33. Empire seeks waiver of sections 35.39(f)(2)(i) and 35.39(f)(2)(ii) for Empire to broker power.²⁷ Empire commits that, if waiver is granted, the waiver will not be used to harm or be used to the detriment of captive customers. Empire states that any brokering activity by Empire would be at cost. With respect to the order of brokered power, Empire states that it will broker all power from Empire and its wind projects simultaneously, and deliver that power into the SPP market. With respect to CalPeco, the power of its only wholly owned generator, the Kings Beach diesel generator, is offered on a cost-of-service basis to NV Energy pursuant to a Rate Schedule on file with the Commission and also for

²⁶ April 9 Filing at 4.

²⁷ Section 35.39(f)(2) states the following:

Unless otherwise permitted by Commission rule or order, to the extent a franchised public utility with captive customers seeks to broker power for a market-regulated power sales affiliate:

- (i) The franchised public utility must charge the higher of its costs for the service or the market price for such services;
- (ii) The franchised public utility must market its own power first, and simultaneously make public (on the Internet) any market information shared with its affiliate during the brokering; and
- (iii) The franchised public utility must post on the Internet the actual brokering charges imposed.

CalPeco's own use. Empire states that Empire will only broker power with respect to Luning and Turquoise because CalPeco does not have its own generation to broker, other than Kings Beach.²⁸ Empire states that to the extent that Empire brokers power and imposes a charge, it will comply with section 35.39(f)(2)(iii) so waiver of that provision is unnecessary.²⁹

34. We grant Empire's request for waiver of section 35.39(f)(2)(i) and 35.39(f)(2)(ii) based on the representations and commitments made by Empire, including its representation that all brokering by Empire will be at cost and that the waiver will not be used to harm or be used to the detriment of captive customers.

35. The Commission's pricing rules for affiliate transactions provide that unless otherwise permitted by Commission rule or order, the sale of non-power goods or services to a market-regulated power sales affiliate or a non-utility affiliate from a franchised public utility that has captive customers or that owns or provides transmission service over jurisdictional transmission facilities "must be at the higher of cost or market price."³⁰

36. Based on the information Empire has provided, we also grant the requested waiver of sections and 35.39(e)(1) and 35.44(b)(1) regarding non-power goods or services.³¹ Based on Empire's representations, we find that granting the request for waiver will not result in inappropriate cross-subsidization. As Empire notes, it does not provide non-power goods and services to non-affiliates. Thus, Empire is not forgoing profits by providing non-power goods and services to affiliates at cost. Additionally, we note that Empire is a franchised public utility subject to the regulation and oversight of the Missouri Public Service Commission, the Kansas Corporation Commission, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission.

37. As stated above, Empire states that non-power goods and services will be provided by Liberty Services, a centralized service company, at cost. Empire states that Liberty Services allocates the costs of employees and all non-power goods and services on an at cost basis. Empire states that allocations between Empire-related costs for services

²⁸ April 9 Filing at 6.

²⁹ May 1 Filing at 4.

³⁰ 18 C.F.R. § 35.44(b)(1) and § 35.39(e)(1).

³¹ Although Empire requests waiver of sections 35.39(e) and 35.44(b), based on Empire's descriptions, it appears that Empire is limiting the request to sections 35.39(e)(1) and 35.44(b)(2). Therefore, we are granting Empire waiver only of sections 35.39(e)(1) and 35.44 (b)(1).

provided to the market-regulated power sales affiliates will be on the same basis as all costs are allocated. Empire states that all entities are treated in exactly the same manner. Empire also states that Liberty Services does not provide any non-power goods and services to any entity other than its affiliates.

38. Our decision is based on Empire maintaining its current cost allocation methodology. Empire shall inform the Commission should there be a material change to that methodology. Further, we will rely on the Commission's ratemaking review process and audit functions, as well as the Commission's ability to access Empire's books and records, to ensure that costs are allocated appropriately and that no inappropriate cross-subsidization is occurring.

39. We direct Empire to submit a compliance filing, within 45 days of the date of this order, revising the limitations and exemptions sections of its market-based rate tariffs to list the waiver granted herein and to include a citation to this order.³² We note that the market-based rate tariffs of the relevant market-regulated power sales affiliates (e.g., Luning) also will need to list the waiver granted herein and to include a citation to this order.³³

40. Finally, we note that the waiver granted herein is based on the specific facts and representations made by Empire. To the extent that there is any material change in circumstances that would reflect a departure from the facts and representations that we have relied upon in granting the requested waiver, Empire will be required to inform the Commission within 30 days of any such change. With the exception of the waiver specifically granted herein, or previously granted, all of the other market-based rate affiliate restrictions continue to apply unless previously waived.

The Commission orders:

(A) Empire's request for waiver is hereby granted, effective May 1, 2020, subject to conditions, as discussed in the body of this order.

(B) Empire is hereby directed to maintain records to enable the Commission to audit Empire's compliance, as discussed in the body of this order.

³² Order No. 697, 119 FERC ¶ 61,295 at Appendix C, *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055 at P 385 n.517.

³³ We note that Empire represents that Neosho Ridge, North Fork Ridge, and Kings Point plan to apply for market-based rate authority. November 20 Filing at 6 n.13.

(C) Empire is hereby directed to submit a compliance filing, within 45 days of the date of this order, revising the limitations and exemptions sections of its market-based rate tariffs, as discussed in the body of this order.

(D) Empire must inform the Commission within 30 days of any material change in circumstances that would reflect a departure from the facts, representations, policies, and procedures the Commission relied upon in granting the waiver granted herein.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.