

138 FERC ¶ 61,031  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
and Cheryl A. LaFleur.

Louisiana Public Service Commission

Docket No. EL11-57-000

v.

Entergy Corporation,  
Entergy Services, Inc.,  
Entergy Louisiana, LLC,  
Entergy Arkansas, Inc.,  
Entergy Mississippi, Inc.,  
Entergy New Orleans, Inc.,  
Entergy Gulf States Louisiana, LLC. and  
Entergy Texas, Inc.

ORDER ON COMPLAINT

(Issued January 19, 2012)

1. On August 4, 2011, the Louisiana Public Service Commission (Louisiana Commission) filed a complaint pursuant to sections 206 and 306 of the Federal Power Act (FPA)<sup>1</sup> and Rule 206 of the Commission's Rules of Practice and Procedure<sup>2</sup> against Entergy Corporation, Entergy Services, Inc. (Entergy), and the Entergy Operating Companies (Entergy Operating Companies).<sup>3</sup> The Louisiana Commission seeks to modify the Entergy rough production cost equalization bandwidth formula set forth in Service Schedule MSS-3 to the Entergy System Agreement (System Agreement) to

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<sup>1</sup> 16 U.S.C. § 824e, 825e (2006).

<sup>2</sup> 18 C.F.R § 385.206 (2011).

<sup>3</sup> The Entergy Operating Companies are: Entergy Arkansas, Inc. (Entergy Arkansas), Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC (Entergy Louisiana), Entergy Mississippi, Inc. (Entergy Mississippi), Entergy Texas, Inc., and Entergy New Orleans, Inc.

include costs associated with the Little Gypsy Repowering Project (Little Gypsy), which was cancelled in 2009 due to changed economic conditions. On September 16, 2011, the Louisiana Commission filed an amended complaint seeking to classify Little Gypsy costs as fixed and to permanently assign them to all Entergy Operating Companies, irrespective of their future membership in the System Agreement. Alternatively, the Louisiana Commission seeks an amendment to Service Schedule MSS-3 to allow the inclusion of the Little Gypsy costs.<sup>4</sup> As discussed below, we will hold the complaint in abeyance pending further Commission action.

## I. Background

2. The Commission has held that the System Agreement requires that production costs be “roughly equal” among the Entergy Operating Companies.<sup>5</sup> In Opinion Nos. 480 and 480-A, the Commission found that rough production cost equalization had been disrupted on the Entergy system. The Commission approved a numerical bandwidth remedy requiring that the production costs of individual Entergy Operating Companies may deviate no more than +/- 11 percent from the Entergy system average production cost in order to maintain the rough equalization of production costs among the Entergy Operating Companies.

3. In its compliance filing implementing the directives of Opinion Nos. 480 and 480-A, Entergy included in Service Schedule MSS-3 the formulas for implementing the rough production cost equalization bandwidth remedy required by Opinion No. 480.<sup>6</sup> The production cost calculation includes production plant investment cost and operation and maintenance expenses reported in various accounts under the Commission’s Uniform System of Accounts. The Commission stated that parties seeking changes to the bandwidth formula adopted in Opinion No. 480 must make separate filings under section 205 or 206 of the FPA in order to implement such changes.<sup>7</sup>

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<sup>4</sup> Louisiana Commission’s Amended Complaint at 3.

<sup>5</sup> *Louisiana Pub. Serv. Comm’n v. Entergy Servs., Inc., et al.*, Opinion No. 480, 111 FERC ¶ 61,311, *order on reh’g*, Opinion No. 480-A, 113 FERC ¶ 61,282 (2005), *order on compliance*, 117 FERC ¶ 61,203 (2006), *order on reh’g and compliance*, 119 FERC ¶ 61,095 (2007), *aff’d in part and remanded in part*, *Louisiana Pub. Serv. Comm’n v. FERC*, 522 F.3d 378 (D.C. Cir. 2008), *order on remand*, 137 FERC ¶ 61,047 (2011).

<sup>6</sup> *La. Pub. Serv. Comm’n. v. Entergy Servs., Inc., et al.*, 117 FERC ¶ 61,203.

<sup>7</sup> *Louisiana Pub. Serv. Comm’n v. Entergy Servs., Inc.*, 117 FERC ¶ 61,203 at P 69. *See also Entergy Services, Inc.*, Opinion No. 505, 130 FERC ¶ 61,023, at P 173 (2010); *Entergy Services, Inc.*, 130 FERC ¶ 61,170 (2010).

4. On May 5, 2010, in Docket No. EL10-65-000, the Louisiana Commission filed a complaint seeking the inclusion of the Little Gypsy cancellation costs in the bandwidth formula, among other issues. On August 4, 2010, the Commission dismissed the complaint with regard to the Little Gypsy issue, ruling that the Little Gypsy issue was premature and not ripe for Commission consideration because the Louisiana Commission had not yet approved the cancellation of Little Gypsy. The Commission further ruled that when the Louisiana Commission issued a final decision on the cancellation of Little Gypsy, parties would be able to seek a Commission determination as to whether Little Gypsy cancellation costs should be included in the bandwidth formula.<sup>8</sup>

## **II. Complaint and Amended Complaint**

5. The Louisiana Commission states that Entergy's System Planning and Operations (SPO) department identified the Entergy System's (System) need for new solid fuel capacity for the System and for Entergy Louisiana when the Strategic Supply Resource Plan (SSRP) was conceived in 2002. The Louisiana Commission states that in 2005 Entergy's SPO department undertook an initiative to identify potential self-supply options for base load and identified a repowering project at Little Gypsy Unit 3, a 545 MW natural gas-fired facility located in Southeast Louisiana.

6. The Louisiana Commission states that the repowering project called for converting the natural gas-fired unit to burn a blend of petroleum coke and coal. Entergy Louisiana was selected by the Entergy Operating Committee to undertake the repowering project and to be responsible for its costs. The Louisiana Commission states that Entergy's analysis showed that the repowering project would result in lower System costs than an alternative over the first 25 years of operation; however, in February 2009 a substantial decline in natural gas prices reversed the economics of the project and Little Gypsy no longer represented the lowest reasonable cost alternative.

7. The Louisiana Commission states that on October 7, 2009, after expending \$200 million on Little Gypsy, Entergy Louisiana filed an application to cancel the project and to recover prudently-incurred abandoned project costs. The Louisiana Commission states that the Commission's August 4, 2010 order dismissed as premature its complaint filed in Docket No. EL10-65-000 seeking the inclusion of the Little Gypsy cancellation costs in the bandwidth formula, but ruled that when the Louisiana Commission issued a final decision on the cancellation of Little Gypsy, parties would be able to seek a Commission determination as to whether Little Gypsy cancellation costs should be included in the bandwidth formula.

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<sup>8</sup> *Louisiana Pub. Serv. Comm'n v. Entergy Corp., et al.*, 132 FERC ¶ 61,104 (2010).

8. The Louisiana Commission states that on May 17, 2011, it approved the cancellation of Little Gypsy.<sup>9</sup> It adds that subsequently, on June 22, 2011, it approved securitization of the Little Gypsy costs equal to \$200 million of investment recovery costs, plus \$2.7 million in carrying costs through August 1, 2011, plus upfront financing costs.

9. The Louisiana Commission states that Entergy has agreed that the securitized cancellation costs are production costs for purposes of the Entergy System Agreement bandwidth payment mechanism, and has agreed to make a good faith effort to support inclusion of those costs in the Service Schedule MSS-3 bandwidth mechanism.<sup>10</sup> The Louisiana Commission states that Entergy Louisiana will sell the investment recovery property and other collateral to a special purpose entity. The Louisiana Commission states that the utility will perform the billing, collection, and reporting duties for the special purpose entity. However, the Louisiana Commission states that it filed the complaint to ensure that its request to amend the bandwidth formula is in place prior to the commencement of payments to the special purpose entity, with payments expected to commence in the fall of 2011. The Louisiana Commission states that it would expect similar timing of a section 205 proposal from Entergy concerning the cancellation costs. The Louisiana Commission requests that the Commission commence proceedings on this complaint, but provide for the consolidation of the complaint docket with the Entergy section 205 filing docket when it is made.

10. On September 16, 2011, the Louisiana Commission filed an amended complaint seeking to permanently assign cancellation costs and allocate them among the Entergy Operating Companies on a 12 Coincident Peak (CP) basis, using load ratio share data from when the project was cancelled in 2009. In support, the Louisiana Commission states Little Gypsy costs are fixed, “sunk” costs incurred by Entergy Louisiana at the direction of the Entergy Operating Committee, which is comprised of representatives of all the Entergy Operating Companies, for the benefit of the entire System. Thus, the Louisiana Commission asserts that costs should be assigned permanently among all the Entergy Operating Companies, and that it would be unjust, unreasonable, and unduly discriminatory to require Entergy Louisiana alone to absorb the cancellation costs of a unit that was planned and initiated for the benefit of all the Entergy Operating Companies. The Louisiana Commission states that permanent allocation of the costs of the cancelled project is preferable to merely including the costs in the System Agreement Service Schedules, since otherwise the withdrawal of a company from the System

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<sup>9</sup> Louisiana Commission’s Complaint at 3 (citing Order No. U-30192-E (LPSC June 1, 2011)).

<sup>10</sup> *Id.* at 4 (citing Order No. U-30192-E).

Agreement would result in the unjust, unreasonable, and unduly discriminatory assignment of its share of the System's "sunk" cancellation costs to other companies.

11. If the Commission does not allow a permanent remedy, the Louisiana Commission states that Service Schedule MSS-3 should be amended to include securitization payments made by Entergy Louisiana customers that are collected by Entergy Louisiana. The Louisiana Commission requests that the Commission commence proceedings on this amended complaint, but has no objection to the consolidation of the Entergy filing with this case when the section 205 filing is made.

12. The Louisiana Commission states that it is willing to engage in "reasonable settlement or dispute resolution procedures."<sup>11</sup>

### **III. Notice of Filing and Responsive Pleadings**

13. Notice of the Louisiana Commission's complaint was published in the *Federal Register*, 76 Fed. Reg. 49,468 (2011), with interventions and protests due on or before August 24, 2011. Entergy filed an answer. The Arkansas Public Service Commission (Arkansas Commission) filed a notice of intervention and a protest. The Council of the City of New Orleans (Council) filed a notice of intervention, a protest and a request for hearing. The Mississippi Public Service Commission (Mississippi Commission) filed a notice of intervention.

14. Notice of the Louisiana Commission's amended complaint was published in the *Federal Register*, 76 Fed. Reg. 60,818 (2011), with interventions and protests due on or before October 6, 2011. The comment date was subsequently extended to October 14, 2011.<sup>12</sup> Entergy filed an answer to the amended complaint. The Council filed supplemental comments and the Arkansas Commission filed a protest. On October 31, 2011, the Louisiana Commission filed a reply to Entergy's answer and to the protests of the Arkansas Commission and the Council.

### **Entergy's Answer**

15. In its response to the Louisiana Commission's August 4, 2011 complaint, Entergy states that it generally does not dispute any of the factual history of Little Gypsy, the subsequent cancellation and agreed-upon securitization, or Entergy Louisiana's

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<sup>11</sup> Louisiana Commission's Complaint at 16; Louisiana Commission's Amended Complaint at 20.

<sup>12</sup> Errata Notice Extending Comment Date, Docket No. EL11-57-000 (Sept. 27, 2011).

commitment to make the appropriate filing to seek inclusion of the Little Gypsy cancellation costs in the bandwidth formula. However, Entergy argues that the Louisiana Commission's complaint is premature and not necessary. Entergy explains that because the Little Gypsy securitization authorized by the Louisiana Commission will not occur until late in the third quarter of 2011, Little Gypsy cancellation costs could not be included in the bandwidth formula calculation until the 2011 test year calculation.

16. Entergy states that it plans to timely file changes to the bandwidth formula under section 205 of the FPA to include Little Gypsy cancellation costs in the 2012 bandwidth formula calculation. Entergy adds that it will make its section 205 filing no later than March 31, 2012, to allow an effective date of no later than June 1, 2012. Entergy states that this schedule aligns with the effective date requested by the Louisiana Commission and therefore requests the Commission dismiss the complaint as premature and unnecessary at this time. Entergy asserts that the Commission will be in a far better position to make a decision regarding these costs when Entergy proposes specific revisions to the bandwidth formula in its section 205 filing.

17. While Entergy believes that it would be premature to establish formal proceedings, it suggests using informal dispute resolution procedures, including all other affected retail regulators,<sup>13</sup> if the Louisiana Commission wishes to establish proceedings. Entergy believes this would allow the Commission to give all interested parties an opportunity to discuss the treatment of the Little Gypsy cancellation costs within the bandwidth formula and potentially reach an agreement prior to Entergy's section 205 filing. Entergy requests that an Administrative Law Judge be appointed to act as an informal mediator and requests that the Commission appoint a staff member with background knowledge and familiarity with Commission policy and precedent regarding the treatment of costs associated with cancelled plants to assist the Administrative Law Judge and the parties on these issues. Entergy proposes that such procedures be initiated as soon as it is practical, and that they end no later than February 24, 2012 in order to allow time to prepare and submit the section 205 filing no later than March 31, 2012.

18. In its answer to the amended complaint, Entergy requests that the Commission dismiss the amended complaint as an unauthorized collateral attack on Opinion No. 480, as contrary to the Commission's orders approving the withdrawal of Entergy Arkansas and Entergy Mississippi from the System Agreement, and as beyond the authority of the Commission to grant the relief requested.<sup>14</sup> Entergy states that the Louisiana

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<sup>13</sup> Entergy specifically mentions including the Arkansas Commission, the Mississippi Public Service Commission and the Council as part of its alternative dispute resolution proceedings.

<sup>14</sup> Entergy's Answer to the Amended Complaint at 2.

Commission is now seeking additional relief outside the commitments that it received through negotiation and decision at the Louisiana Commission. Entergy states that the Louisiana Commission's proposed mechanism would export approximately 74 percent of the Louisiana Commission-approved cancellation costs to the other Entergy Operating Companies on an accelerated basis using 2009 load ratio share data.<sup>15</sup> Entergy contends that this is inconsistent with Opinion Nos. 480 and 480-A and the System Agreement, and is unsupported by any existing Commission order.

19. Entergy opposes the Louisiana Commission's proposal to permanently assign costs to the other Entergy Operating Companies as an attempt to circumvent the Commission's finding that there is no continuing obligation upon withdrawal from the System Agreement.<sup>16</sup> Further, it contends that the Louisiana Commission incorrectly reasons that the Little Gypsy costs are sunk costs, and therefore require consideration on a unique basis. Entergy argues that all costs recorded in Account No. 101, Plant in Service, are sunk costs, but that they are all included in bandwidth payments and receipts. Last, Entergy notes that the Louisiana Commission's proposed remedy would require this Commission to force Entergy Louisiana to sell approximately 74 percent of the cancelled Little Gypsy project and to force the other Entergy Operating Companies to buy and pay for this interest from Entergy Louisiana. Entergy argues that the Louisiana Commission's amended complaint does not cite any FPA provision, case or order that permits the Commission to mandate the involuntary sale or purchase of a cancelled plant. Entergy therefore concludes that the Commission should dismiss the Louisiana Commission's amended complaint.

## 1. Protests

### a. Arkansas Commission

20. The Arkansas Commission asserts the complaint should be rejected for failure to satisfy Commission requirements for complaint filings since the original complaint does not specify any particular changes to the Service Schedule MSS-3 tariff language that would achieve its proposed remedy. The Arkansas Commission states a cost must be production-related and includable for bandwidth purposes to be properly added to the bandwidth formula. The Arkansas Commission states that excluding Little Gypsy abandonment costs from the Service Schedule MSS-3 bandwidth formula treats them exactly as all other abandonment costs are treated, given that the Service Schedule MSS-3 bandwidth formula and Exhibit ETR-26 methodology do not mandate the inclusion of

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<sup>15</sup> *Id.* at 4.

<sup>16</sup> *Id.* at 6 (citing *Entergy Servs., Inc.*, 129 FERC ¶ 61,143 (2009), *reh'g denied*, 134 FERC ¶ 61,075 (2011)).

any abandonment costs related to System projects. It contends that including these costs in the bandwidth formula, while excluding all other costs for abandoned Entergy Operating Company projects, would not result in a prospective just and reasonable rate, but would result in unduly preferential treatment. The Arkansas Commission further argues that it would be imprudent for Entergy to have planned and undertaken Little Gypsy for Entergy Arkansas and its ratepayers in 2007 since Entergy Arkansas had already issued its 96-month notice to exit the System Agreement at the end of 2013.

21. On October 14, 2011, the Arkansas Commission filed a protest to the amended complaint. The Arkansas Commission contends that the amended complaint neither alleges a violation of the terms and provisions of the existing System Agreement, nor advances specific revisions to the System Agreement or to the bandwidth formula in Service Schedule MSS-3. The Arkansas Commission notes that Rule 206(b)(7) of the Commission's Rules of Practice and Procedure requires that a complainant state the specific relief and remedy requested, and that failure to do so is grounds for dismissal of the complaint.<sup>17</sup> Further, the Arkansas Commission states that the Louisiana Commission is seeking relief from Little Gypsy cancellation costs that relies on the same basic argument unsuccessfully made to the Commission in Docket No. ER09-636, the proceeding concerning Entergy Arkansas' and Entergy Mississippi's proposed withdrawal from the System Agreement, namely, that Entergy Arkansas should be subjected to an exit fee and other pre-withdrawal measures upon withdrawal from the System Agreement. Therefore, the Arkansas Commission states that the Commission should reject the amended complaint as an impermissible attack on the Commission's orders issued in Docket No. ER09-636.

22. The Arkansas Commission also states that the System Agreement does not allow for permanent assignment of the Little Gypsy cancellation costs and argues that the proposed permanent and perpetual assignment of 100 percent of the Little Gypsy cancellation costs is patently contrary to the Commission policy of equal risk/cost sharing.<sup>18</sup> Further, the Arkansas Commission states that the Louisiana Commission is unjustified in seeking recovery of Little Gypsy cancellation costs since such costs would not have been allocated to other Entergy Operating Companies under the terms of the present System Agreement if the project had been completed. Lastly, the Arkansas Commission points out that the Louisiana Commission, without input from other retail regulators, approved the construction and cancellation of Little Gypsy, as well as securitization of the construction costs, which led Entergy Louisiana to sell the

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<sup>17</sup> Arkansas Commission Oct. 14, 2011 Protest at 4-5 (citing *Am. Mun. Power-Ohio v. PJM Interconnection, L.L.C.*, 114 FERC ¶ 61,019 (2006)).

<sup>18</sup> *Id.* (citing *New England Power Co.*, Opinion No. 295, 42 FERC ¶ 61,016, *order on reh'g*, 43 FERC ¶ 61,285, *reh'g denied*, 44 FERC ¶ 61,092 (1988)).

securitization bonds. Thus, the Arkansas Commission criticizes the Louisiana Commission for not providing any explanation as to how retail ratepayers in Arkansas and Mississippi could be held liable for payment of those bonds.

**b. The Council**

23. The Council asserts that the Louisiana Commission has neither met its burden of demonstrating that the current formula is unjust, unreasonable, or unduly discriminatory or preferential in the original complaint, nor satisfied its burden of demonstrating that its proposed revisions to the bandwidth formula are just and reasonable. The Council further states that the Louisiana Commission's proposed change to the bandwidth formula conflicts with the Commission's long-standing policy on recovery of cancelled plant costs by seeking to include 100 percent of the costs over a 10-year period. The Council also argues that if the Commission approves the inclusion of any of the Little Gypsy cancellation costs in the bandwidth formula it should do so in a manner that ensures that Entergy Arkansas and Entergy Mississippi bear their fair share of these costs. It notes that the repowering and the cancellation of the plant were decisions made on behalf of the entire System, on the basis that they benefited the System as a whole.

24. The Council states that it is unclear whether the Commission's previous determination that Entergy Arkansas and Entergy Mississippi will have no continuing post-withdrawal obligations upon withdrawal from the System Agreement extends to cancellation costs since the Commission could not have had this circumstance in mind when it issued its decision in the Docket No. ER09-636 proceeding. The Council argues it would not be just and reasonable to allow Entergy Arkansas and Entergy Mississippi to escape their fair share of costs arising out of decisions made for their benefit during their participation in the System Agreement. The Council states that if the Commission spreads the costs it should do so in a manner that equally affects all of the System members who benefited from the decisions.

25. The Council filed supplemental comments to the amended complaint, wherein it comments that the Louisiana Commission's proposed revisions are inconsistent with the Commission's policy on recovery of cancelled plant costs and thus reiterates its original protest of the filing and urges the Commission to dismiss it outright.<sup>19</sup> In the alternative, the Council requests that the Commission set this matter for hearing to determine whether and to what extent including the costs in the bandwidth formula or permanently allocating costs among the Entergy Operating Companies is just and reasonable.

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<sup>19</sup> The Council's Supplemental Comments at 2.

#### **IV. Discussion**

##### **A. Procedural Matters**

26. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2011), the notices of intervention serve to make the entities that filed them parties to this proceeding.

27. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2011), prohibits an answer to a protest or an answer unless otherwise ordered by the decisional authority. We are not persuaded to accept the Louisiana Commission's answer and will, therefore, reject it.

##### **B. Substantive Matters**

28. The Louisiana Commission asserts that it filed this complaint to ensure that its request to amend the bandwidth formula in Service Schedule MSS-3 is in place prior to the commencement of payments to the special purpose entity in the fall of 2011. The Louisiana Commission argues, and Entergy agrees, that Entergy has committed to make an appropriate filing to seek inclusion of Little Gypsy cancellation costs in the Service Schedule MSS-3 bandwidth formula. As Entergy explains, because the Little Gypsy securitization authorized by the Louisiana Commission will not occur until late in the third quarter of 2011, Little Gypsy cancellation costs could not be included in the bandwidth formula until June 1, 2012. Entergy will make its section 205 filing no later than March 31, 2012, which will allow an effective date of no later than June 1, 2012.

29. Upon review of the complaint and other pleadings, the Commission concludes that it is premature at this time to act on this complaint and will instead hold the complaint in abeyance.<sup>20</sup> Entergy has agreed to make its section 205 filing no later than March 31, 2012. Since that filing, as the parties describe it herein, will also address the subject

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<sup>20</sup> The Commission has discretion to determine the best procedures to address the issues before it. *See, e.g., Tennessee Gas Pipeline Co. v. FERC*, 972 F.2d 376, 381 (D.C. Cir. 1992) ("The agency is entitled to make reasonable decisions about when and in what type of proceeding it will deal with an actual problem"); *Nader v. FCC*, 520 F.2d 182, 195 (D.C. Cir. 1975) ("[T]his court has upheld in the strongest terms the discretion of regulatory agencies to control the disposition of their caseload."); *see also ISO New England, Inc.*, 130 FERC ¶ 61,236, at P 12 n.9 (2010) (citing *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519, 524-25 (1978) (agencies have broad discretion over the formulation of their procedures)); *Mich. Pub. Power Agency v. FERC*, 963 F.2d 1574, 1578-79 (D.C. Cir. 1992) (the Commission has discretion to mold its procedures to the exigencies of the particular case).

matter of the complaint, the Commission will hold the complaint in abeyance pending further Commission action, which will allow the Commission to take the anticipated section 205 filing into consideration in addressing the complaints. Accordingly, the Commission will consider the merits of the complaint in a subsequent Commission order.

30. In the interim, since the Louisiana Commission and Entergy have shown a willingness to participate in informal dispute resolution, the Commission strongly encourages the parties to begin alternative dispute resolution (ADR) procedures to address the issues raised in the complaint. The parties may avail themselves of ADR available through the Commission,<sup>21</sup> under which the parties must voluntarily agree to submit their dispute for mediation and to comply with various requirements outlined in the Commission's Rules of Practice and Procedure.<sup>22</sup>

The Commission orders:

(A) The Louisiana Commission's complaint is held in abeyance pending further Commission action, as discussed in the body of this order.

(B) In accordance with Rule 604 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.604 (2010), the parties are advised of their right to avail themselves of alternative dispute resolution services.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>21</sup> The Director of the Commission's Dispute Resolution Service (DRS) is Deborah Osborne, who can be contacted at (202) 502-8831. The DRS helpline may also be reached at (877) 337-2237 or at (202) 502-6651.

<sup>22</sup> 18 C.F.R. § 385.604 (2010).