



## Department of Energy

Washington, DC 20585

February 4, 2004

The Honorable Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Waxman:

This letter is in final response to the letter that you and certain other members of the Committee on Government Reform sent to Secretary Abraham on January 15, 2004. The Department of Energy (DOE) sent an earlier partial response to your letter on January 15, 2004.

You requested "copies of all communications relating to H.R. 6 since November 21, 2003, between (1) DOE or other Executive Branch officials and (2) industry lobbyists, representatives of trade associations or interest groups, or other persons outside of the Executive Branch." We do not understand your request to call for communications between DOE and Members of Congress or their staff. DOE searched for responsive documents in the Offices of the Secretary, Deputy Secretary, Under Secretary for Energy, Science and Environment, Assistant Secretary for Congressional and Intergovernmental Affairs, Scheduling and Advance, and Executive Secretariat. DOE determined that these offices were the ones most likely to have documents that were responsive to your request. Enclosed are copies of documents that DOE has located that are responsive to your January 15 request.

If you have any questions, please contact me or Rick A. Dearborn, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Liberman Otis", is written over a horizontal line.

Lee Liberman Otis  
General Counsel

Enclosures

cc w/enc.: The Honorable Tom Davis  
Chairman  
Committee on Government Reform



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**Executive Director:**  
TOM COCHRAN

December 15, 2003

The Honorable Spencer Abraham  
Secretary of Energy  
U. S. Department of Energy  
1000 Independence Avenue S.W.  
Washington, DC 20585

Dear Secretary Abraham:

The 72<sup>nd</sup> Winter Meeting of The United States Conference of Mayors will convene in Washington, DC at the Capital Hilton Hotel, January 21-23, 2004. On behalf of the Conference of Mayors, I would like to extend an invitation to you to speak at the Energy Policy Standing Committee meeting. Members of the Energy Committee will meet on Thursday, January 22, 2004 from 2:30 – 4:00 p.m.

Energy is an issue of the highest priority for America's mayors. During our many discussions at the Conference, mayors have expressed a strong desire to continue a leadership role in defining our nation's energy policy in ways that will be economically and environmentally beneficial to our cities.

I would be honored if you could provide remarks at the Energy Policy Standing Committee meeting on energy issues, including the comprehensive energy bill (H.R.6) that is currently before Congress.

Debra DeHaney-Howard, Assistant Executive Director for the Conference of Mayors will be in contact with your office to discuss the scheduling of your participation in this meeting. I hope that your schedule will allow you to join us January 22 in Washington, DC.

Sincerely,

Gus Morrison  
Mayor of Fremont  
Chair, Energy Policy Standing Committee

**Secretary, The**

**From:** Restructuring Today [newsletter@restructuringtoday.com]  
**Sent:** Tuesday, November 25, 2003 12:24 PM  
**To:** RT Reader  
**Subject:** Restructuring Today: Energy bill looks dead for this year; NY PUC eases credit-posting for marketers, and more

**Restructuring Today**

1-800-486-8201

Dear Reader:

Please see the **Tuesday, November 25** issue of **Restructuring Today** attached (rt031125.pdf).

**Today's Headlines:**

- Energy bill looks dead for this year
- NY PUC eases credit-posting for marketers
- Wyoming default prices to rise in December
- Idaho PUC predicts high gas prices
- California resource plan to boost Western capacity markets
- Congress' anti-spam compromise not a done deal
- Maine LNG ports face opportunity, historic fierce fight
- Calif straw in wind
- Good news for NRG
- Constellation signs NJ Food Council
- Texas aggregator saves big for schools
- Dutch firm CIS wins best in Europe
- Solar firm chooses cost-cutting hookups
- Scottish firm has home wind power
- Unisource to be sold for \$3 billion
- Illinois Power back to square-1

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*Restructuring Today* thrives on feedback so please don't hesitate to call 1-800-486-8201 (1-202-298-8201) with your questions or suggestions.

Thank you,

A handwritten signature in cursive script that reads "Greg Speer".

George Spencer  
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## Secretary, The

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**From:** glj@gljpublications.com  
**Sent:** Tuesday, November 25, 2003 2:20 PM  
**To:** Secretary, The  
**Subject:** General Comments Form

## General Comments

**Topic or category:** Policy

**Affiliation:** Industry

**Subject:** Comprehensive Energy Bill

**Message:** I was wondering where I could get a copy of the bill, or more, importantly, a US DoE summary of the proposed changes. We would like to include something in our monthly publication and prefer original versus 3rd party sources.

**E-mail address:** glj@gljpublications.com

**Mailing address, 1:** 4100, 400 - 3rd Avenue SW

**Mailing address, 2:** Calgary, AB

**Mailing address, 3:** Canada, T2P 4H2

**Fax number:** 403-270-0716

## Secretary, The

**From:** Restructuring Today [newsletter@restructuringtoday.com]  
**Sent:** Wednesday, November 26, 2003 12:52 PM  
**To:** RT Reader  
**Subject:** Restructuring Today: Trans-Elect happy to settle suit, buy Illinois Power's grid; TAUZIN: Converting just 2 senators would pass energy bill, and more

**Restructuring Today**

ghi 1-800-436-8201

## Today's Headlines

Wednesday November 26 2003

Open attachment to see full text

- **Trans-Elect happy to settle suit, buy Illinois Power's grid**

Trans-Elect is prepared to settle its suit against Dynegy's Illinois Power (IP), Bernard Schroeder, Trans-Elect president, told RT, because it's still interested in buying IP's grid ...

- **TAUZIN: Converting just 2 senators would pass energy bill**

The Senate will take up the energy bill in February and it will pass, predicted Bennett Johnston. He chaired the Senate Energy & Natural Resources Committee for many years as a Louisiana Democrat ...

- **Alarm grows about tax & spend Republicans**

*The Washington Post* reported yesterday "the alarms sounded on cost of GOP bills." It is a Democrat-aligned daily but the issue is usually thought to be Republican ...

- **Wind industry tax credit renewal hopes dashed**

Worse yet the US is spending its way into grave. Is vote buying moral? The wind industry was counting on the energy bill to extend wind's production tax credit (PTC) that expires at the end of this year ...

- **PUC orders FirstEnergy to plan grid fixing**

Ohio regulators ordered FirstEnergy to come up with a plan by March 1 to fix problems on its system blamed by the joint US-Canadian task force (RT, 11/20) for the August blackout ...

- **ConEd Westchester customers pay some NYC bills?**

New York regulators are phasing out a distribution rate subsidy Consolidated Edison customers in Westchester County have been providing to those in New York City -- higher distribution rates to blunt the effect of higher energy rates in the city and averaged-out bills ...

- **Ontario resets power prices closer to cost**

Legislation introduced yesterday in Ontario would replace former Premier Ernie Eves' C4.3¢/kwh retail price freeze with prices closer to the power's real cost ...

- **Monongahela itching for market-based rates but blocked**

Monongahela Power (Allegheny Power) appealed the Ohio PUC's decision (RT, 10/23) to extend the utility's large C&I market

development period (MDP) for two years ...

- **PSNH can share savings with C&Is, boost market**

A program to offer shopping credits to 100-mw worth of large C&Is at last opens the door to Public Service of New Hampshire (Northeast Utilities) market ([RT, 10/16](#)) ...

- **DTE's energy/nw boosts DG savings 15%**

DTE Energy Technologies used its "energy/nw system operations center" (SOC) to cut DG costs at a Canadian government research facility by 15%, the firm calculated ...

- **Cal ISO: Modesto settlement would reward gaming**

FERC commissioners should reject a proposed settlement reached between their trial staff and the Modesto Irrigation District, the California ISO said, because FERC has the potential to let the public power utility escape refunding millions of dollars said to be gained by gaming the market...(281 words)

- **11 stories in 3 minutes**

- FERC orders AEP to join PJM
- Rooftop wind power system gets retailer
- CLARIFICATION
- California ISO picked Tom Doughty
- Cal ISO starts market tests
- CFTC settles with 3 gas marketers
- Kelliher, Kelly sworn in at FERC
- Mich court supports PSC on stranded cost
- Constellation buys Rochester nuke
- FERC final rule guides grid owners, pipes on affiliates
- Big NY LDC gets market

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## Secretary, The

**From:** Restructuring Today [newsletter@restructuringtoday.com]  
**Sent:** Friday, December 05, 2003 12:49 PM  
**To:** RT Reader  
**Subject:** Restructuring Today: Schwarzenegger picks Dan Skopec as an energy adviser; What's a good name for a creative energy ad company?, and more ...

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## Today's Headlines

Friday December 5 2003

Open attachment to see full text

### • Schwarzenegger picks Dan Skopec as an energy adviser

The exact title is deputy cabinet secretary for energy, resources and environmental issues. In recent years he's been staff director of the Government Operations Subcommittee on Energy Policy, Natural Resources & Regulatory Affairs in Washington.

### • What's a good name for a creative energy ad company?

When Creativenergy founders Eric Tulin, a veteran adman, and John Kearney, a former Connecticut Natural Gas sales executive, were looking for an interesting niche for their new marketing communications firm, they came up with clean energy. They like the challenge, Tulin told RT yesterday from his office in Bristol, Conn ([www.creativenergy.biz](http://www.creativenergy.biz)), and figure renewable and alternative energy have a lot of growth potential in deregulated markets worldwide.

### • Stakeholders would block New England RTO

NEPOOL these days is not the grid owners' country club of yore. It's a voluntary collection of generators, grid owners, energy suppliers, marketers, municipals and power users. They're very upset at a bid by ISO New England and seven transmission owners to set up an RTO in the region without the approval of the overwhelming majority (80%) of NEPOOL stakeholders.

### • What does Abraham really want?

FERC Chairman Pat Wood upset DOE Secretary Spencer Abraham with his talk of mandatory reliability standards by summer. Without an energy bill, it isn't certain whether mandatory electricity reliability standards could be enforced by FERC, Abraham told the press.

### • Ohio advocate sees need for seamless PJM-MISO market

The Aug 14 blackout points out the urgent need for a seamless Midwest ISO-PJM market, Eric Stephens, deputy consumers' counsel in Ohio (OCC), told the US-Canada outage task force in their Cleveland meeting yesterday. Case in point: MISO was late in diagnosing the impending crisis because an operator, frustrated that he was unable to monitor a line's status of PJM-member Dayton Power & Light, had turned off a monitoring system, the OCC told a hearing.

### • Half would pay more to fix grid's ills

If consumer attitudes are any indication, it's going to be tough to sell higher power prices for reliability improvements, a new survey found. AUS Consultants interviewed 1,024 consumers nationwide -- half of them victims this year of outages lasting 30 minutes or more -- and found 40% were unwilling to pay higher rates to

improve the nation's grid.

• **UK suppliers fined for failure to switch customers**

Ofgem, the UK gas and electric markets regulator has penalized Scottish Power and npower for refusing to switch some 9,000 direct-debit customers on equal payment plans. They had paid on time but owed money because payments hadn't caught up with use, Ofgem said.

• **How to sell solar power in sunny Arizona**

Arizona Public Service (APS) is doubling its solar credit to kickstart a program that offers up to \$1 million in solar system rebates but has had few grid-connected takers. Nearly 200 customers signed up in remote locations over the past two years for a \$2/watt credit but fewer than 20 who aren't off the grid took the deal.

• **Group favors bold program to jumpstart solar market**

Though better technology and friendlier government policies might keep solar energy growth slow and steady, spectacular growth needs "audacious measures," says research and strategy firm Clean Edge in a report for the Solar Catalyst Group (SCG). Solar energy growth is slow because systems are being produced on a small scale -- keeping quantities low and prices high -- and are not standardized so they're expensive and complex to install.

• **2 stories in 0.5 minutes**

- Data firm buys rival
- Reliant gets Citizens to sign up again

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**Secretary, The**

**From:** AlliancesaveEnergy@ase.org  
**Sent:** Friday, December 05, 2003 1:04 PM  
**To:** Secretary, The  
**Subject:** Alliance Names New President--e-EFFICIENCY NEWS



## e-EFFICIENCY NEWS

*The monthly newsletter from the Alliance to Save Energy*



Kateri Callahan named  
Alliance president, effective  
January 1, 2004

### Alliance Board Names New President

The board of directors of the Alliance to Save Energy has announced the appointment of Kateri Anne Callahan as the organization's president, effective January 1, 2004. Callahan is president of the Electric Drive Transportation Association (EDTA), a Washington, D.C.-based international nonprofit association of businesses, governments, universities, and trade associations that promotes electric-drive transportation options. "Kateri brings a wealth of experience to the Alliance presidency as an effective public policy advocate and as a veteran administrator of organizations with diverse memberships," said Alliance Board Co-Chair Dean T. Langford. [More](#)

### Alliance Urges Passage of Energy-Efficiency Provisions As Energy Bill Sits in Limbo



With the energy bill on hold, the Alliance to Save Energy urged U.S. lawmakers to enact the bill's non-controversial energy-efficiency provisions -- agreed to months ago on a bipartisan basis -- when they return in January. Then, the Alliance said, Congress must craft a broader energy policy that uses efficiency to tackle persistent problems such as U.S. oil dependence and electricity reliability. The Alliance also called on lawmakers to extend authority for the federal government to enter into Energy Saving Performance Contracts, which allow the government to pay for energy improvements with the resultant energy savings. The Senate recently abandoned attempts to pass comprehensive energy legislation this year but may return to the energy bill after Congress reconvenes in January. [Alliance News Release](#)

[Summary of Energy Bill's Efficiency Measures](#)

[Side-By-Side Analysis of Energy Bill's Efficiency Provisions](#)

### 'Motor Trend' Magazine Names Toyota Prius 2004 Car of the Year

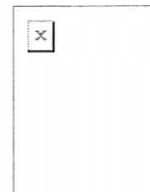


In a sign that hybrid gas-electric cars are speeding further into the mainstream, Motor Trend Magazine recently named the new Toyota Prius its 2004 car of the year. Competing in a field of mostly gas-powered vehicles, the 2004 Prius outperformed 26 other new models in thousands of miles of road testing designed to evaluate handling and power delivery. "The Prius is a capable, comfortable, fun-to-drive car that just happens to get spectacular fuel economy," said Motor Trend

Editor-in-Chief Kevin Smith. "It also provides a promising look at a future where extreme fuel efficiency, ultra-low emissions, and exceptional performance will happily coexist." [More](#)

## Give the Gift of Energy Efficiency This Holiday Season!

Join the Alliance in its quest to keep energy efficiency at the forefront of the domestic and international energy agenda by giving the gift of energy efficiency. A \$25, \$50, or \$100 donation to one of the nation's oldest energy-efficiency organization for yourself, or on behalf of a friend or family member, will help the Alliance continue its successful energy-efficiency policy and program work throughout the United States and more than two dozen countries. Your tax-deductible [secure online donation](#) or support through #2383 on the Combined Federal Campaign will enable the Alliance to continue its work to promote policies that encourage energy-efficient cars, residences, and appliances; help consumers understand the economic and environmental benefits of choosing energy-efficient products for their homes; and fight for balanced energy policies at home and abroad. [Click here to find out more.](#)



### Alliance Associate Sears Featured in ABC-TV's 'Extreme Makeover: Home Edition' Series

Alliance Associate Sears, Roebuck & Co. was featured prominently this week in "[Extreme Makeover: Home Edition](#)," a new ABC reality series pilot in which a team of designers has just seven days to completely renovate a home. The "Extreme Makeover: Home Edition" series is expected to begin airing weekly in January or February. [More](#)

### Alliance Offers Home Physical Fitness Tips to Combat Harsh Winter Weather, High Natural Gas, Heating Oil Prices

The Alliance offers consumers step-by-step [home physical fitness tips](#) to cut energy bills and increase comfort this winter.

Check out the Alliance's free [Power\\$mart Booklet](#) for year-round home energy tips.



### New California Building Standards to Save 500 Megawatts by 2008

The California Energy Commission recently approved updated energy-efficiency building standards that are projected to save the state 500 megawatts by 2008. The standards, which take effect in October 2005, include the use of "cool roofs," energy-efficient lighting, and improved window glazing. [More](#)

### Austin Energy Proposes to Meet 35 Percent of Energy Needs with Energy Efficiency, Renewables By 2020

Austin Energy recently proposed an ambitious plan to meet 35 percent of its energy needs by 2020 through energy efficiency and renewable energy. Austin Energy is the community-owned electric utility of the City of Austin, Tex., which the Alliance recently honored with its Charles H. Percy Award for energy-saving efforts over the last year. The utility's plan will be presented to the city council for approval in the coming days. [More](#)

<a href="#">12/8-10</a> <a href="#">National Energy Services Conference and Exposition, New Orleans, La.</a>	<a href="#">12/11-12</a> <a href="#">Association of Energy Engineers' Business Energy Solutions Conference and Expo, New Orleans, La.</a>	<a href="#">1/27-28/2004</a> <a href="#">Enterprise Energy Management Plans, Houston, Tex.</a>	<a href="#">4/19-22/2004</a> <a href="#">National Environmental Assistance Summit: An Alliance to Prevent Pollution, Achieve Compliance, and Innovate for Environmental Results, Baltimore, Md.</a>	<a href="#">4/13-15/2004</a> <a href="#">Earth Technologies Forum, 15th Annual Conference on Climate Change and Ozone Protection, Washington, D.C.</a>
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[International Program Associate](#)

**Willamette Education Service District**  
[Resource Conservation Specialist](#)

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**From:** Restructuring Today [newsletter@restructuringtoday.com]  
**Sent:** Monday, December 08, 2003 12:45 PM  
**To:** RT Reader  
**Subject:** Restructuring Today: Metromedia locks horns with WGL over credit policy; FERC plans action to end system vulnerability, and more ...

**Restructuring Today**

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## Today's Headlines

Monday December 8 2003

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### **Metromedia locks horns with WGL over credit policy**

Virginia regulators heard last week from Washington Gas Light (WGL), one of the protagonists in a quarrel over how much security gas marketer Metromedia Energy has to post for next year. It's not the first spat between a competitive supplier and LDC over credit requirements and won't be the last.

### **FERC plans action to end system vulnerability**

Energy bill or not, FERC will continue the transition of the electric power industry, Commissioner Nora Brownell promised. "We're incredibly vulnerable in this transition," Brownell told the Energy Bar Assn, citing a litany of problems that include an inability to attract capital at reasonable rates, a lack of innovation in new technologies and a lack of regional planning.

### **FERC needs congressional assist to act**

Another speaker at the bar association session, former FERC general counsel William Scherman of Skadden Arps, doesn't think FERC efforts will alone be enough without Congress' help. He cited the value of the Energy Policy Act of 1992 to progress in areas such as wholesale competition and open access in transmission, terming EPAct "successful in setting the direction and confirming the direction of the commission "beyond my wildest dreams."

### **Tauzin uses Henry Hub spike to promote energy bill**

When House Energy & Commerce Committee Chairman Billy Tauzin, R-La, saw the Energy Information Administration (EIA) report that natural gas prices have jumped to over \$6 he issued an explanation. Tauzin who represents gas country cited the larger than expected dip in gas inventories that pushed markets 54% above the \$4.13 of last December -- and winter hasn't officially started yet.

**CLARIFICATION:** David Hawk, energy buyer for JR Simplot, the \$3 billion/year food conglomerate, thinks we went a bit hard on the Idaho PUC for getting the troops stirred up about gas prices. He called about (RT, 11/25) our version of "Idaho PUC predicts high gas prices."

**ISO New England plugs tough grid rules, penalties**

Gordon van Welie runs ISO New England and believes strongly, independent RTOs are critical for reliability, he told the US-Canada blackout task force. Certainly the Midwest ISO's "Swiss cheese" approach to power system dispatch and management needs to be eliminated.

**NW to weigh BPA role in markets, pricing**

The Northwest Power Conservation Council (formerly Power Planning Council, NWPPC) meeting this week in Portland, Ore, is focusing on BPA's future role with some urgency "before another crisis develops." The region's governors recognize "that perpetuating uncertainty" puts the region's power supply adequacy and economy at risk.

**New York kind of boosts onsite power**

Onsite power got a big boost in New York this week with PSC action on statewide natural gas tariffs that will save most DG owners fuel dollars and a final decision on standby rates for Central Hudson Gas & Electric. Those are two of the crucial elements driving DG development in New York -- the new hot market for onsite power.

**Superconductor's Howe would use market prices as tool**

FERC rules on ancillary services pricing are skewed toward "more costly and less effective" generation-based approaches, American Superconductor (ASC) told commissioners and that creates barriers to new technology solutions. The reason: utilities have viewed reactive power (VAR) -- one of the needs identified by investigators of the Aug 14 blackout -- as a generator function, wrote John Howe.

**Walter Higgins tells lawyers about bad policy**

Walter Higgins is still sore about shareholders at Sierra Pacific Resources getting stuck with a big piece of the spiking prices when the PUC wouldn't pass the higher costs along to the customers. The US not only lacks a competitive short-term market in electricity -- except in a few narrow areas -- but he doesn't see the possibility of getting one.

**Buying IP would help sort out MISO identity**

Ameren is chatting with Dynegy about buying Illinois Power now that Exelon is out of the picture. Ameren had adamantly opposed the legislative concessions Exelon proposed but failed to get.

**QUOTE OF THE WEEK:** ... Whereas additional action must be taken to assure that the state lives within its means, now, therefore I, Arnold Schwarzenegger, governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the state of California, do hereby issue this order to become effective immediately

**Mich sets stranded cost hearing:** A pre-hearing conference on Consumers Energy's request to recover \$103.3 million in stranded costs next year -- about 2.58¢/kwh added to customer bills -- is Jan 6. Consumers filed the request -- based on estimates of nearly 4 million mwh of retail open-access load.

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