

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### 10 CFR Part 900

RIN 1901-AB18

#### Coordination of Federal Authorizations for Electric Transmission Facilities

**AGENCY:** Office of Electricity Delivery and Energy Reliability, Department of Energy.

**ACTION:** Notice of extension of public comment period.

**SUMMARY:** This document announces that the period for submitting comments on the proposed rule for the coordination of Federal Authorizations for Electric Transmission Facilities has been extended until February 27, 2012.

**DATES:** DOE will accept comments, data, and information regarding the proposed coordination rule published December 13, 2011 (76 FR 77432) until February 27, 2012.

**ADDRESSES:** Any comments submitted must be identified as comments on the "Proposed 216(h) Regulations". Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov). Include "Proposed 216(h) Regulations" in the subject line of the message.
- *Mail:* Brian Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Brian Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, Phone (202) 586-8267, email [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov), or Lot Cooke, Attorney-Advisor, U.S. Department of Energy, Office of the General Counsel, GC-76, 1000 Independence Avenue SW., Washington, DC 20585, Phone (202) 586-0503, email [Lot.Cooke@hq.doe.gov](mailto:Lot.Cooke@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On December 13, 2011, DOE published a proposed rule in the *Federal Register* (76 FR 77432) to amend its regulations for the timely coordination of Federal authorizations for proposed interstate electric transmission facilities pursuant to section 216(h) of the Federal Power Act (FPA). The proposed rule provided for the submission of comments by January 27, 2012. A commenter noted the significant interest of its members in the rulemaking and requested an extension of the comment period given the holidays and the need for its members to complete projects and reports for calendar year 2011.

DOE has determined that an extension of the public comment period is appropriate based on the foregoing reasons and is hereby extending the comment period. DOE will consider any comments received by February 27, 2012.

Issued in Washington, DC, on January 20, 2012.

Patricia A. Hoffman,

*Assistant Secretary, Office of Electricity Delivery and Energy Reliability.*

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## FEDERAL HOUSING FINANCE AGENCY

### 12 CFR Part 1254

RIN 2590-AA53

#### Mortgage Assets Affected by PACE Programs

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Advance notice of proposed rulemaking; request for comments; Notice of intent to prepare environmental impact statement; request for scoping comments.

**SUMMARY:** The Federal Housing Finance Agency ("FHFA") hereby issues this Advance Notice of Proposed Rulemaking ("ANPR") concerning mortgage assets affected by Property Assessed Clean Energy ("PACE") programs and Notice of Intent ("NOI") to prepare an environmental impact statement ("EIS") under the National Environmental Policy Act ("NEPA") to address the potential environmental impacts of FHFA's proposed action.

The United States District Court for the Northern District of California issued a preliminary injunction ordering FHFA "to proceed with the notice and comment process" in adopting guidance concerning mortgages that are or could be affected by PACE programs. Specifically, the California District Court ordered FHFA to "cause to be published in the *Federal Register* an Advance Notice of Proposed Rulemaking relating to the statement issued by FHFA on July 6, 2010, and the letter directive issued by FHFA on February 28, 2011, that deal with property assessed clean energy (PACE) programs."

In response to and compliance with the California District Court's order, FHFA is seeking comment on whether the restrictions and conditions set forth in the July 6, 2010 Statement and the February 28, 2011 Directive should be maintained, changed, or eliminated, and whether other restrictions or conditions should be imposed. FHFA has appealed the California District Court's order to the U.S. Court of Appeals for the Ninth Circuit (the "Ninth Circuit"). Inasmuch as the California District Court's order remains in effect pending the outcome of the appeal, FHFA is proceeding with the publication of this ANPR and NOI pursuant to that order. The Ninth Circuit has stayed, pending the outcome of FHFA's appeal, the portion of the California District Court's Order requiring publication of a final rule. FHFA reserves the right to withdraw this ANPR and NOI should FHFA prevail in its appeal, and may in that situation continue to address the financial risks FHFA believes PACE programs pose to safety and soundness through means other than notice-and-comment rulemaking.

**DATES:** Written comments must be received on or before March 26, 2012.

**ADDRESSES:** You may submit your comments, identified by regulatory information number (RIN) 2590-AA53, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>: Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by email to [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov) to ensure timely receipt by FHFA. Please include "RIN 2590-AA53" in the subject line of the message.