

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. ER98-1943-000]

Sithe New England Holdings LLC;
Notice of Issuance of Order

April 24, 1998.

Sithe New England Holdings LLC (Sithe New England) filed an application on behalf of Project LLCs (Project LLCs)¹ for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, Sithe New England requested that the Commission grant blanket approval to Project LLCs under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Project LLCs. On April 20, 1998, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's April 20, 1998 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (J):

(D) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Project LLCs should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, Project LLCs are hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Project LLCs, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(J) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Project LLCs' issuances of securities or assumptions of liabilities. . . .

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 20, 1998.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-11365 Filed 4-28-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulation
Commission

[Docket No. ER97-2517-002]

Xenergy, Inc.; Notice of Filing

April 20, 1998.

Take notice that Xenergy, Inc., filed on April 3, 1998, the Summary of Quarterly Activity for the calendar year quarter ending December 31, 1997 pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d (1985), and Part 35 of the Commission's Rules of Practice and Procedure, 18 CFR 35, and in accordance with Ordering Paragraph J of the Federal Energy Regulatory Commission's June 9, 1997 order (the Order) in Docket No. ER97-2517-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before May 1, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-11363 Filed 4-28-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. EC98-38-000, et al.]

Electric Rate and Corporate Regulation
Filings; Logan Generating Company, L.
P., et al.

April 20, 1998.

Take notice that the following filings have been made with the Commission:

1. Logan Generating Company, L.P.

[Docket No. EC98-38-000]

Take notice that on April 9, 1998, Logan Generating Company, L.P., tendered for filing an application for approval pursuant to Section 203 of the Federal Power Act for approval of a change in ownership. Logan also filed a notification of change in status pursuant to Section 205 of the Federal Power Act.

Comment date: May 15, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Western Resources, Inc.

[Docket No. ER98-1776-000]

Take notice that on April 15, 1998, Western Resources, Inc., tendered for filing an amendment to its February 9, 1998, filing in this docket. Western Resources states that the amendment is to notify the Commission that Western Resources finds the conditions attached to the Commission's March 13, 1998, SPP order acceptable and no longer finds it necessary to condition its submittal in this docket upon the outcome of the Southwest Power Pool Regional Transmission Tariff (Docket No. ER98-1163-000). In addition, Western Resources has proposed that the effective date of its tariff change submitted in this docket be revised from April 1, 1998 to June 1, 1998 to match the effective date of the SPP Regional Tariff.

Copies of the filing were served upon all parties shown on the official service list in this docket.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Delmarva Power & Light Company

[Docket No. ER98-2350-000]

Take notice that on March 27, 1998, Delmarva Power & Light Company (Delmarva) submitted for filing a letter stating that it has submitted a revised network service agreement to the PJM Office of Interconnection (PJM), which includes service for the Dover loads and resources. Delmarva states in its letter that it requests PJM to promptly file the service agreement with the Commission.

¹ The Project LLCs are six wholly owned special purpose subsidiaries for the purpose of holding the acquired generating assets. Project LLCs consist of Sithe Mystic LLC, Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC and Sithe Wyman LLC.

Comment date: May 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. PJM Interconnection, L.L.C.

[Docket No. ER98-2459-000]

Take notice that on April 6, 1998, the PJM Interconnection, L.L.C. (PJM), filed on behalf of the Members of the LLC, membership applications of Florida Power & Light Company.

Comment date: May 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Lowell Cogeneration Company Limited Partnership

[Docket No. ER98-2518-000]

Take notice that on April 10, 1998, Lowell Cogeneration Company Limited Partnership tendered for filing a summary of activity for the quarter ending March 31, 1998.

Comment date: May 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Maine Public Service Company

[Docket No. ER98-2527-000]

Take notice that on April 10, 1998, Maine Public Service Company submitted a Quarterly Report of Transactions for the period January 1 through March 31, 1998. This filing was made in compliance with the Commission's orders dated May 31, 1995 in Docket No. ER95-851-000 and April 30, 1996 in Docket No. ER96-780-000.

Comment date: May 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Central Hudson Gas & Electric Corporation

[Docket No. ER98-2529-000]

Take notice that on April 10, 1998, Central Hudson Gas & Electric Corporation tendered for filing a summary of activity conducted by Central Hudson Gas & Electric Corporation under the FERC-approved Market-Based Rate Tariff.

Comment date: May 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Indiana Gas and Electric Company

[Docket No. ER98-2539-000]

Take notice that on April 15, 1998, Southern Indiana Gas and Electric Company submitted for filing an amendment to its rate filing in the above-referenced proceeding.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Carolina Power & Light Company

[Docket No. ER98-2545-000]

Take notice that on April 15, 1998, Carolina Power & Light Company (Carolina), tendered for filing an executed Service Agreement between Carolina and the following Eligible Entity: OGE Energy Resources, Inc. Service to the Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Boston Edison Company

[Docket No. ER98-2547-000]

Take notice that on April 15, 1998, Boston Edison Company (Boston Edison) tendered for filing for information purposes the 1996 true-up to actual for the Substation 402 Agreement (FPC Rate Schedule No. 149) between Boston Edison and Cambridge Electric Light Company (Cambridge). This filing is made pursuant to the terms of the 1987 Settlement Agreement between Boston Edison, Cambridge and the Town of Belmont, Massachusetts in Docket No. ER86-517-000.

Boston Edison states that it has served the filing on Cambridge, Belmont and the Massachusetts Department of Telecommunications and Energy.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Public Service Company of Oklahoma

[Docket No. ER98-2549-000]

Take notice that on April 15, 1998, Public Service Company of Oklahoma (PSO), tendered for filing Amendment 4 to the Contract for Electric Service, dated April 20, 1995, between PSO and Northeast Oklahoma Electric Cooperative, Inc., (NEO). Amendment 4, provides for an additional point of delivery.

PSO seeks an effective date of May 1, 1998, and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served on NEO and the Oklahoma Corporation Commission. Copies are also available for public inspection at PSO's offices in Tulsa, Oklahoma.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. El Segundo Power, LLC

[Docket No. ER98-2550-000]

Take notice that on April 15, 1998, El Segundo Power, LLC tendered for filing pursuant to Section 205 of the Federal Power Act an initial rate schedule pursuant to which El Segundo Power, LLC would sell ancillary services at cost-based rates. El Segundo Power, LLC has requested an effective date of April 15, 1998.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. NGE Generation, Inc.

[Docket No. ER98-2562-000]

Take notice that NGE Generation, Inc. (NGE Gen), on April 15, 1998, tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, service agreements (collectively, the Service Agreements) under which NGE Gen may provide capacity and/or energy to Agway Energy Services, Inc. (Agway), and Northeast Utilities Service Company (Northeast Utilities) (collectively, the Purchasers) in accordance with NGE Gen's FERC Electric Tariff, Original Volume No. 1.

NGE Gen has requested waiver of the notice requirements so that the service agreement with Agway becomes effective as of April 16, 1998 and the service agreement with Northeast Utilities becomes effective as of April 1, 1998.

NGE Gen has served copies of the filing upon the New York State Public Service Commission, Agway, and Northeast Utilities.

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Paul T. Phillips

[Docket No. ER98-2567-000]

Take notice that on April 15, 1998, Paul T. Phillips made a conditional tariff filing in compliance with the Commission order of February 11, 1998, in *Connecticut Valley Electric Co. v. Wheelabrator Clairmont Co., L.P. et al.* Docket No. EL94-10, *et al.*

Comment date: May 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Kansas City Power & Light Company

[Docket No. ES98-26-000]

Take notice that on April 17, 1997, Kansas City Power & Light (KCPL), filed an application under Section 204 of the Federal Power Act, to issue, from time to time, up to \$750 million aggregate

amount of short-term debt instruments, with maturity dates of not later than September 30, 2001.

Comment date: May 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2609-013]

Curtis/Palmer Hydroelectric Company and International Paper Company; Notice of Application and Applicant Prepared Environmental Assessment Accepted for Filing; Requesting Interventions and Protests; Establishing Procedural Schedule and Final Amendment Deadline; and Requesting Comments, Final Terms and Conditions, Recommendations and Prescriptions

April 23, 1998.

Curtis/Palmer Hydroelectric Company and International Paper Company (International Paper) have filed with the Commission an Applicant Prepared Environmental Assessment and License Application for the Curtis-Palmer Project No. 2609, located on the Hudson River, New York.

The Curtis/Palmer Project consists of two separate developments with a total installed capacity of 58.8 MW. The existing facilities at the Curtis Development include: (1) a 25 foot-high by 743 foot-long dam constructed of concrete; (2) a 714 foot long spillway section topped by 46 inch-high wooden

flash boards; (3) a 29 foot-long sluice gate structure housing a gate measuring 11 feet wide by 13 feet high; (4) a 5.9 mile-long impoundment with a surface area of 390 acres at the normal high water elevation of 548.8 feet NGVD, and a storage capacity of 585 acre-feet at a drawdown of 1.5 feet; (5) a powerhouse intake structure containing ten gate openings, each equipped with a sliding headgate, plus three additional hydraulically operated gates located 35 feet downstream; (6) a powerhouse containing five turbine generators, three with installed capacities of 2.8 MW each, and two with installed capacities of 1.2 MW each, with a total hydraulic capacity of 6,500 cfs; and (7) a substation connected to a three-mile long, 13.8 kV transmission line.

International Paper proposes to install an inflatable rubber flashboard system at Curtis. Impoundment elevation and total hydraulic capacity would remain unchanged.

The existing facilities at the Palmer Development (located 2,700 feet downstream of Curtis) include: (1) a 486 foot-long dam with maximum height of 37 feet, comprised of a 346 foot-long spillway section of two Ambursen type spillways topped with a 6 foot-high inflatable rubber dam; (2) a 7 foot by 7 foot steel sluice gate located within a concrete abutment forming the transition between the dam spillway section and the forebay spillway section; (3) an impoundment extending 2,700 feet upstream to the dam and powerhouse of the Curtis development, with a surface area of 28 acres at a normal pond elevation of 522.9 feet NGVD; (4) an intake structure constructed of reinforced concrete containing 22 foot by 22.5 foot headgates located adjacent and perpendicular to the forebay spillway; (5) two 20 foot diameter by 220 and 260 feet long, concrete encased steel penstocks extending from the intake structure to the powerhouse; (6) a powerhouse containing two generating units of equal size with installed capacities of 24 MW each, with a total hydraulic capacity of 7,500 cfs; and (7) a substation which transfers power to a Niagara Mohawk Power Company bus maintained within.

Purpose of Notice

The purpose of this notice is to: (1) Inform all interested parties that an applicant-prepared environmental assessment (APEA) and final license application for the Curtis/Palmer Project has been filed with the Commission on April 13, 1998, and are available for public inspection; (2) inform all parties that the applications and APEA are

hereby accepted; (3) invite interventions and protests; (4) solicit comments, final recommendations, terms and conditions, or prescriptions on the final license application and APEA; and (5) identify an approximate schedule and procedures that will be followed in processing the application and APEA.

International Paper has used a Cooperative Team (Team) approach to prepare the APEA for the Curtis/Palmer Project. The Team consists of federal, state, and local agencies, non-governmental organizations, and the public. The Team has been meeting since September 1995 to guide the study process and prepare the APEA.

The Team has reached substantive agreement on most resource issues, and a comprehensive settlement agreement has been drafted and signed by most parties of the Team. Two Team members remain non-signatories to the Settlement Agreement. Due to a disagreement on measures to assess and protect downstream passage of resident fish, the U.S. Fish and Wildlife Service and New York Rivers United do not concur with the encompassing settlement Agreement, and its presentation by the Applicant and Team as the preferred alternative. The Settlement Agreement is reflected in the APEA as the preferred alternative.

Applicant Prepared Environmental Assessment Process and Processing Schedule

The Energy Policy Act of 1992 (EP Act) gives the Commission the authority to allow the filing of an APEA with a license application. The EP Act also directs the Commission to institute procedures, including pre-application consultations, to advise applicants of studies or other information foreseeably required by the Commission.

On April 23, 1996, the Director, Office of Hydropower Licensing, waived or amended certain of the Commission's regulations to allow for coordinated processing of the license application and preparation of an APEA. Since then, the Commission has been working cooperatively in advising the Team on studies or other information foreseeably required by the Commission.

National Environmental Policy Act (NEPA) scoping was conducted on the project through scoping documents issued December 7, 1995 and April 19, 1996, and in public scoping meetings on January 12, 1996 and February 8, 1996. A draft license application and preliminary APEA were issued by the applicant for comment on October 3, 1997. The final license application and APEA were filed with the Commission on April 13, 1998. The APEA includes