

invite all interested agencies, NGOs, and individuals to attend the meeting. The time and location of the meeting is shown below.

*Date:* Wednesday, May 26, 1999

*Time:* 7:00 p.m. until 11:00 p.m.

*Place:* Holiday Inn, 245 Whiting Farms Road, Holyoke, MA 01040

The meeting will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the project. Before the meeting starts, all individuals who attend, will be asked to identify themselves by signing in. Individuals that intend to make statements during the meeting will be asked to sign in and clearly identify themselves for the record prior to speaking. Time allotted for presentations will be determined by staff based on the length of the meeting and the number of people wanting to speak. All individuals wishing to speak will be provided at least five minutes to present their views.

Interested parties who choose not to speak, or who are unable to attend the public meeting, may provide written comments to the Commission until June 7, 1999. Written comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The first page of all filings should indicate "Holyoke Project, FERC. No. 2004-073" and/or "Holyoke Project, FERC. No 11607-000" at the top of the page. All filings sent to the Secretary of the Commission should contain an original and eight copies. Failure to file an original and eight copies may result in appropriate staff not receiving the benefit of our comments in a timely manner. Furthermore, participants in this proceeding are reminded that if they file comments with the Commission, they must serve a copy of their filing to the parties on the Commission's service list.

For further information, please contact Allan Creamer at (202) 219-0365, or by E-mail at [allan.creamer@ferc.fed.us](mailto:allan.creamer@ferc.fed.us).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 99-11762 Filed 5-10-99; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Transfer of Licenses and Soliciting Comments, Motions to Intervene, and Protests

May 5, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of Licenses.

b. Project Nos.: (1) 13-009, (2) 2047-005, (3) 2060-006, (4) 2084-021, (5) 2318-005, (6) 2320-014, (7) 2330-035, (8) 2474-007, (9) 2482-023, (10) 2539-009, (11) 2554-005, (12) 2569-038, (13) 2616-011, (14) 2641-003, (15) 2645-077, (16) 2696-009,<sup>1</sup> (17) 2701-029, (18) 2713-041, (19) 2837-007, (20) 3452-007, (21) 5984-027, (22) 7320-011, (23) 7321-008, (24) 7387-007, (25) 7518-002, (26) 9222-017, (27) 10461-004, (28) 10462-004, and (29) 11408-021.

c. *Date Filed:* February 8, 1999, *Date Amended:* April 14, 1999.

d. *Applicants:* Niagara Mohawk Power Corporation (NIMO) and Erie Boulevard Hydropower, L.P. (Erie).

e. *Name and Location of Projects:* (1) Green Island: Hudson River in Albany County, New York; (2) Stewarts Bridge: Sacandaga River in Saratoga County, New York; (3) Carry Falls: Raquette River in St. Lawrence County, New York; (4) Upper Raquette River: Raquette River in St. Lawrence County, New York; (5) E.J. West: Sacandaga River in Saratoga County, New York; (6) Middle Raquette River: Raquette River in St. Lawrence County, New York; (7) Lower Raquette River: Raquette River in St. Lawrence County, New York; (8) Oswego River: Oswego River in Oswego County, New York; (9) Hudson River: Hudson River in Warren, Saratoga, and Washington Counties, New York; (10) School Street: Mohawk River in Albany and Saratoga Counties, New York; (11) Feeder Dam: Hudson River in Saratoga County, New York; (12) Black River: Black River in Jefferson County, New York; (13) Hossic River: Hossic River in Rensselaer County, New York; (14) Feeder Dam Transmission Line: Saratoga County, New York; (15) Beaver River: Beaver River in Lewis and Herkimer Counties, New York; (16) Stuyvesant Falls: Kinderhook Creek in Columbia County, New York; (17) West Canada Creek: West Canada Creek in

Oneida and Herkimer Counties, New York; (18) Oswegatchie River: Oswegatchie River in St. Lawrence County, New York; (19) Granby: Oswego River in Oswego County, New York; (20) Oak Orchard: New York State Barge Canal in Orleans County, New York; (21) Oswego Falls: Oswego River in Oswego and Onondaga Counties, New York; (22) Chasm: Salmon River in Franklin County, New York; (23) Macomb: Salmon River in Franklin County, New York; (24) Piercefield: Raquette River in St. Lawrence and Franklin Counties, New York; (25) Hogansburg: St. Regis River in Franklin County, New York; (26) Yaleville: Raquette River in St. Lawrence County, New York; (27) Parishville: St. Regis River in St. Lawrence County, New York; (28) Allen Falls: St. Regis River in St. Lawrence County, New York; and (29) Salmon River: Salmon River in Oswego County, New York.

The Green Island Project uses the Corps of Engineers' Troy Lock and Dam and is partially located on federal lands but no tribal lands. The other projects do not utilize federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

g. *Applicant Contracts:* For NIMO: Margaret Fabic, Esq., Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428-6593, and Stephen C. Palmer, Esq., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007, (202) 424-7500; For Erie: W. Thaddeus Miller, Erie Boulevard Hydropower, L.P., c/o Orion Power Holdings, Inc., 111 Market Place, Suite 520, Baltimore, Maryland 21202, (410) 468-3692, and Mitchell F. Hertz, Esq., Kirkland & Ellis, 655 15th Street, NW, Suite 1200, Washington, DC 20005, (202) 879-5270.

h. *FERC Contact:* Regina Saizan, (202) 219-2673, or e-mail address: [regina.saizan@ferc.fed.us](mailto:regina.saizan@ferc.fed.us).

i. *Deadline for filing comments and or motions:* June 9, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the Project Number (0013-009, et al.) on any comments or motions filed.

j. The transfer of the licenses for these projects to Erie is being sought in connection with the divestiture by NIMO of certain generation and other assets. The sale and transfer of these hydroelectric generating assets effectuates, in part, New York State's efforts to restructure its Electric utility industry and NIMO's comprehensive

<sup>1</sup> An application to surrender the license for Project No. 2696 was filed on May 17, 1996. The surrender of the license became effective on February 17, 1999 (86 FERC ¶ 62,135).

Power Choice Settlement agreement approved by the New York Public Service Commission on March 20, 1998.

The transfer application was filed within five years of the expiration of the licenses for Project Nos. 2047, 2060, and 2084, which are the subject of pending relicensing applications. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 Fed. Reg. 23,756; FERC Stats. and Regs., Regs. Preambles 1986–1990, 30,854 at p. 31,437), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing (id. at p. 31,438 n. 318). The transfer would lead to the substitution of the transferee for the transferor as the applicant in the relicensing proceedings for Project Nos. 2047, 2060, and 2084.

In addition, NIMO and Erie request that Erie be substituted for NIMO as the applicant in the pending relicensing proceedings for Project Nos. 2318, 2320, 2330, 2474, 2482, 2539, 2539, 2554, and 2616, following the approval of the transfer of these projects and the conveyance of the project properties. The licenses for the projects expired on December 31, 1993, and the Commission has authorized them to continue to operate.

Project Nos. 10461 and 10462 have pending applications for an original license. NIMO and Erie request that Erie be substituted for NIMO as the applicant in the pending license proceedings for both of these projects following the approval of the transfer of these projects and the conveyance of the project properties.

k. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on <http://ferc.fed.us/online/rims.htm> (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211 and .214. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 99–11761 Filed 5–10–99; 8:45 am]

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## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Amistad and Falcon Projects Rate Order No. WAPA–85

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of a rate order.

**SUMMARY:** Notice is given of the confirmation and approval by the Secretary of the Department of Energy (DOE) of Rate Order No. WAPA–85 placing a rate formula extension into effect on an interim basis beginning on June 8, 1999, for power marketed by the Western Area Power Administration (Western) from the Amistad and Falcon Projects under Contract No. 7–07–50–P0890 (Contract). The rate formula will remain in effect on an interim basis until the Federal Energy Regulatory

Commission (FERC) confirms, approves, and places it into effect on a final basis or until it is replaced by another rate formula.

**DATES:** The provisional rate formula extension will be placed into effect on an interim basis on June 8, 1999, and will be in effect until FERC confirms, approves, and places the provisional rate formula extension in effect on a final basis for a 5-year period ending June 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carol Loftin, Rates Manager, Colorado River Storage Project, Customer Service Center, Western Area Power Administration, 257 East 200 South, Suite 475, Salt Lake City, UT 84111.

**SUPPLEMENTARY INFORMATION:** The Amistad and Falcon Dams are features of international water storage projects located on the Rio Grande River between Texas and Mexico. Western markets the power from these dams under the terms of the Contract dated August 9, 1977, and amended on April 10, 1986. The rate formula of that Contract was approved by the Federal Power Commission, predecessor to FERC, for a 5-year period beginning June 8, 1983, in Docket No. E–9566 on August 12, 1977. A 5-year rate extension approving this same methodology through June 7, 1993, was ordered by FERC on July 20, 1988, in 44 FERC ¶ 62,058. A subsequent 5-year rate extension approving this same methodology through June 7, 1998, was ordered by FERC on September 29, 1993, in 64 FERC ¶ 62,225. Rate Order WAPA–81, which extended the rate formula through June 7, 1999, was published in the **Federal Register** (63 FR 27278) on May 18, 1998.

According to article 9(a) of the Contract, Western calculates the annual installment to be paid by the South Texas Electric Cooperative, Inc. (STEC), and the Medina Electric Cooperative, Inc. (MEC), for the power generated at the Amistad and Falcon Powerplants on or before August 31 of the year preceding the fiscal year to which it pertains.

Each annual installment pays the annual amortized portion of the United States' investment in the Falcon and Amistad hydroelectric facilities with interest, and the associated operation, maintenance, and administrative costs. This repayment schedule is not dependent upon the power and energy made available for sale or the rate of generation each year. Western will continue to provide STEC/MEC with a revised Exhibit A by August 31 of each year using the same methodology.