

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Order Granting Rehearing for Purpose of Further Consideration, Granting Late Motions To Intervene and Establishing Procedures for Additional Late Motions To Intervene and Answers

Issued July 26, 1999.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, William L. Massey, Linda Breathitt, and Curt Hébert, Jr.

In the matter of Docket Nos.: ER96-2573-003, ER94-24-030, ER98-13-010, ER99-1751-002, ER97-654-010, ER95-428-019, ER96-25-016, ER94-968-027, ER98-1005-006, ER95-1615-018, ER99-1004-002, ER93-730-013, ER96-2921-015, ER95-1625-020, ER99-1714-001, ER98-830-005, ER98-4400-002, ER95-1007-013, ER98-6-007, ER98-107-007, ER97-2261-010, ER94-1384-023, ER96-2408-013, ER94-1685-025, ER95-892-043, ER96-2652-031, ER99-894-002, ER99-893-002, ER99-892-002, ER99-892-002, ER99-891-002, ER95-393-023, ER99-1722-001, ER97-4587-001, ER99-1801-002, ER99-2082-001, ER99-2080-001, ER99-2081-001, ER99-2083-001, ER99-2079-001, ER98-4540-001, ER94-1188-028, ER99-2108-001, ER99-1125-002, ER98-1278-004; Southern Company Services, Inc., Enron Power Marketing, Inc., Enron Energy Services, Inc., Aquila Energy Marketing Corporation, Engage Energy US, L.P., El Paso Power Services Company, Coral Power, L.L.C., Electric Clearinghouse, Inc., Merchant Energy Group of the Americas, Entergy Power Marketing Corp., Entergy Nuclear Generation Company, Cinergy Capital & Trading, Inc., Duke Energy Trading and Marketing, L.L.C., PG&E Energy Trading Power, L.P., Lake Road Generating Company, L.P., Millennium Power Partners, L.P., Pittsfield Generating Company, L.P., Logan Generating Company, L.P., USGen New England, Inc., Sithe Power Marketing, Inc., Constellation Power Source, Inc., Morgan Stanley Capital Group Inc., Avista Energy, Inc., Citizens Power Sales, CL Power Sales (1-5), L.L.C., CL Power Sales (6-10), L.L.C., CL Power Sales 11, L.L.C., CL Power Sales 12, L.L.C., CL Power Sales 13, L.L.C., CL Power Sales 14, L.L.C., CL Power Sales 15, L.L.C., Hartford Power Sales, L.L.C., Williams Energy Marketing & Trading Company, Williams Generation Company-Hazelton, Reliant Energy Services, Inc., Reliant Energy Coolwater, L.L.C., Reliant Energy Mandalay, L.L.C., Reliant Energy Ellwood, L.L.C., Reliant Energy Etiwanda, L.L.C., Reliant Energy Ormond Beach, L.L.C., Louisville Gas and Electric Company and Kentucky Utilities Company, LG&E Energy Marketing Inc., LG&E Capital Corp., LG&E Westmoreland Rensselaer, Western Kentucky Energy Corp.

Southern Company Services, Inc. and Southern Company Energy Marketing L.P.; Electricity Consumers Resource Council and American Iron & Steel Institute (Industrial Customers); Virginia

Electric and Power Company (Virginia Power); Enron Power Marketing, Inc. and Enron Energy Services, Inc.; Aquila Energy Marketing Corporation; Engage Energy US, L.P. (Engage Energy); El Paso Power Services Company; Coalition for a Competitive Electricity Market and National Energy Marketers Association (CCEM); the Ad Hoc Marketing and Power Producer Group; PG&E Energy Trading Power, L.P., Lake Road Generating Company, L.P., Millennium Power Partners, L.P., Pittsfield Generating Company, L.P., Logan Generating Company, L.P., USGen New England, Inc., Sithe Power Marketing, Inc., and Constellation Power Source, Inc.; Electric Power Supply Association (EPSA); Morgan Stanley Capital Group Inc. and Avista Energy, Inc.; Edison Electric Institute (EEI); Citizens Power Marketing Affiliates; Williams Energy Marketing & Trading Company and Williams Generation Company-Hazelton; and Reliant Energy Services, Inc., Reliant Energy Coolwater, L.L.C., Reliant Energy Mandalay, L.L.C., Reliant Energy Ellwood, L.L.C., Reliant Energy Etiwanda, L.L.C., and Reliant Energy Ormond Beach, L.L.C. filed timely requests for rehearing of the Commission's order issued in this proceeding. *Southern Company Services, Inc., et al.*, 87 FERC ¶ 61,214 (1999) (*Southern*). Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E and Kentucky Utilities), LG&E Energy Marketing Inc., LG&E Capital Corp., LG&E Westmoreland Rensselaer, and Western Kentucky Energy Corp. filed a late request for rehearing.

In the absence of Commission action within 30 days, the requests for rehearing would be deemed denied. 18 CFR § 385.713. In order to allow additional time for consideration of the matters raised, rehearing of the order is hereby granted for the limited purpose of further consideration.

In addition, Virginia Power, Engage Energy, CCEM, EPSA, EEI, Industrial Customers, LG&E and Kentucky Utilities filed motions for late intervention. The *Southern* order was an exception to the Commission's general practice of not permitting late interventions for the purpose of filing requests for rehearing; the order delayed the effectiveness of the new reporting requirements announced therein pending Commission action on the requests for rehearing of that order and the order also stated that the Commission would entertain late motions to intervene in this proceeding for the purpose of filing requests for rehearing. In view of the aforementioned exception to the Commission's general practice, no

undue prejudice or delay would result from granting the late interventions. Accordingly, we grant the motions for late intervention for good cause shown.

We will also make an exception to the Commission's general practice of not allowing answers to requests for rehearing. Accordingly, we will allow parties to file answers to the requests for rehearing, and we will entertain late motions to intervene from other interested persons for the purpose of filing answers to the requests for rehearing. Such answers and late motions to intervene should be filed on or before 30 days from the date of this order.

By the Commission.

**David P. Boergers,**  
Secretary.

[FR Doc. 99-19527 Filed 7-29-99; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

[Docket No. CP99-585-000]

## Texas Eastern Transmission Corporation Transcontinental Gas Pipe Line Corporation; Notice of Application

July 26, 1999.

Take notice that on July 19, 1999, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77251-1642, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251-1396 filed, in Docket No. CP99-585-000, a joint application pursuant to Sections 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order permitting and approving the abandonment of transportation service, as more fully set forth in the application which is on file with the Commission and open to public inspection. The application may be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm). Call (202) 208-2222 for assistance.

Specifically, Texas Eastern and Transco request permission to abandon transportation service as described in Texas Eastern's Gas Transportation Agreement under Rate Schedule X-96 and Transco's Rate Schedule X-201. Texas Eastern and Transco state that the transportation service rendered under these rate schedules should be abandoned as it is no longer needed and all the parties have agreed to terminate the service.

Any questions regarding this application should be directed to S.E.

Tillman, Director of Regulatory Affairs for Texas Eastern, P.O. Box 1642, Houston, Texas 77251-1642 at (713) 627-5113 or Alfred E. White, Jr., Senior Attorney for Transco, P.O. Box 1396, Houston Texas 77251-1396 at (713) 215-2000.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no protest or motion to intervene is filed within the time required herein. At that time, the Commission on its own review of the matter will determine whether granting permission and approval for the proposed abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Texas Eastern or Transco to appear or to be represented at the hearing.

**David P. Boergers,**  
Secretary.

[FR Doc. 99-19526 Filed 7-29-99; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER99-2769-001, et al.]

#### Foot Creek III L.L.C., et al.; Electric Rate and Corporate Regulation Filings

July 20, 1999.

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

##### 1. Foote Creek III, LLC

[Docket No. ER99-2769-001]

Take notice that on July 15, 1999, Foote Creek III, LLC tendered for filing its compliance filing, Supplement No. 1, to the Foote Creek III, LLC, FERC Electric Tariff, Original Volume No. 1, revising its FERC Electric Tariff, Original Volume No. 1 to allow sales to any purchaser.

*Comment date:* August 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 2. AES Alamitos, L.L.C., AES Huntington Beach, L.L.C. and AES Redondo Beach, L.L.C.

[Docket Nos. ER98-2184-004, ER98-2185-004, ER98-2186-004, ER98-2184-004, ER98-2185-004, and ER98-2186-004]

Take notice that on July 15, 1999, AES Alamitos, L.L.C., AES Huntington Beach, L.L.C. and AES Redondo Beach, L.L.C. (AES Companies), tendered for filing under Section 205 of the Federal Power Act an executed long-term electric service agreement, as amended, between the AES Companies and Williams Energy Services Company.

*Comment date:* August 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Pacific Gas and Electric Company

[Docket No. ER99-2884-001]

Take notice that on July 15, 1999, Pacific Gas and Electric Company (PG&E), tendered for filing as part of its Electric Service Tariff, Volume No. 6, revised tariff sheets. PG&E states that the revisions to the sheets removes an incorrect reference to a superseded version of the California ISO's Grid Management Charge and is submitted to comply with the Commission's July 1, 1999 Order, in the above-referenced docket. PG&E requests an effective date of July 1, 1999.

PG&E states that this filing has been served on the California Public Utilities Commission, San Francisco Bay Area Rapid Transit District and all parties listed on the official service list in the above-referenced docket.

*Comment date:* August 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 4. Carolina Power & Light Company

[Docket No. ER99-3570-000]

Take notice that on July 14, 1999, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with Tractebel Energy Marketing, Inc. under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. This Service Agreement supersedes the un-executed Agreement originally filed in Docket No. ER98-3385-000 and approved effective May 18, 1998.

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

*Comment date:* August 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 5. The Legacy Energy Group, LLC

[Docket Nos. ER99-3571-000]

Take notice that on July 14, 1999, The Legacy Energy Group, Inc. (Legacy), submitted a Notice of Succession pursuant to Section 35.16 of the Commission's Regulations, 18 CFR 35.16. As a result of a name change, Legacy is succeeding to the Rate Schedule FERC No. 1 of The Legacy Group, Inc., effective June 11, 1999.

*Comment date:* August 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 6. Alliant Energy Corporate Services Inc.

[Docket No. ER99-3572-000]

Take notice that on July 14, 1999, Alliant Energy Corporate Services Inc. (ALTM), tendered for filing a signed Service Agreement under ALTM's Market Based Wholesale Power Sales Tariff (MR-1) between itself and Commonwealth Edison Company (CE).

ALTM respectfully requests a waiver of the Commission's notice requirements, and an effective date of July 13, 1999.

*Comment date:* August 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

##### 7. Southern Indiana Gas & Electric

[Docket No. ER99-3573-000]

Take notice that on July 15, 1999, Southern Indiana Gas & Electric Company (SIGECO), tendered for filing two (2) Service Agreements for market based rate power sales under its Market Based Rate Tariff with DTE Energy Trading, Inc., and East Kentucky Power Cooperative, Inc.