

157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for approval to install and operate six new delivery taps for its affiliate, K N Energy, Inc., (K N), a local distribution company, for ultimate sale to various retail customers, under K N Interstate's blanket certificate issued in Docket No. CP83-140-000 and CP83-140-001, and Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

K N Interstate proposes four new delivery taps to be located in Frontier, Lincoln, and Valley Counties, Nebraska. K N Interstate states that the proposed taps will deliver 2, 137, 137, and 30 Mcf on a peak day, respectively, and 144, 8,208, 8,208, and 990 Mcf annually, respectively. K N estimates that these taps will cost \$400, \$2500, \$2500, and \$1,150, respectively, to construct.

K N Interstate also proposes two new delivery taps to be located in Logan County, Colorado and Converse County, Wyoming, respectively. K N Interstate states that these proposed taps will deliver 3 and 5 Mcf on a peak day, respectively, and 202 and 288 Mcf annually, respectively. K N Interstate further estimates that these taps will both cost \$400 to construct.

K N Interstate indicates that the proposed facilities will not have an adverse impact on its existing customers. K N Interstate advises that the volumes of gas which will be delivered at the proposed taps will be within the current maximum daily transportation quantity set forth in K N Interstate's transportation service agreement with K N. K N Interstate further advises that the addition of the delivery taps is not prohibited by its existing tariff.

Comment date: September 5, 1995, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraph

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed

for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95-18546 Filed 7-27-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. ER93-465-017]

Florida Power & Light Co.; Notice of Filing

July 24, 1995.

Take notice that on June 23, 1995, Florida Power & Light Company tendered for filing its compliance filing in the above-referenced docket.

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, 825 North Capitol 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 August 7, 1995. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95-18539 Filed 7-27-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR95-15-000]

Manchester Pipeline Corp.; Notice of Petition for Rate Approval

July 24, 1995.

Take notice that on July 12, 1995, Manchester Pipeline Corporation (Manchester) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable, market-based rates for firm and interruptible storage services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). The rates for the individual storage services will be negotiated between Manchester and various shippers. Manchester does not propose to have established any maximum or minimum rate for any generic service. Manchester does, however, intend to retain 2.80% of the

injection/withdrawal volumes as an allowance for compressor fuel and losses for storage of natural gas.

Manchester's petition states that it is an intrastate natural gas pipeline company within the meaning of section 2(16) of the NGPA in the State of Oklahoma. Manchester owns storage facilities in the State of Oklahoma, which are the subject of this petition. The storage facilities consist of 17 Bcf of working storage capacity with injection rates of up to 100 MMcf per day and withdrawal rates of up to 250 MMcf per day. Facilities also include approximately 13 miles of pipeline interconnecting the storage facilities with Oklahoma Natural Gas Company and Williams Natural Gas Company, nine injection/withdrawal wells, and three compressor units. Manchester is a new entrant in the storage market and has not previously offered Section 311 services. Manchester proposes to charge market-based rates subject to refund effective upon the filing of this petition.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the market-based negotiated rates for firm and interruptible storage services will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before August 8, 1995. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-18542 Filed 7-27-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER95-1035-000]

Nevada Power Co.; Notice of Filing

July 24, 1995.

Take notice that on June 20, 1995, Nevada Power Company tendered for filing an amendment to its May 10, 1995 filing in the above-referenced Docket. The Docket provides for the sale of firm capacity and energy to the Colorado

River Commission (CRC). The amendment requires the CRC to pay an energy charge that is at least equal to Nevada Power's system incremental cost of energy.

Copies of this filing were served on CRC and the Nevada Public Service Commission.

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, 825 North Capitol 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 August 4, 1995. 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.

Lois D. Cashell,
Secretary.

[FR Doc. 95-18540 Filed 7-27-95; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP95-391-000]

**Ozark Gas Transmission System;
Notice of Petition for Waiver**

July 24, 1995.

Take notice that on July 18, 1995, Ozark Gas Transmission System (Ozark) filed a request for waiver of the requirement in Order No. 563 to provide electronic file downloading of capacity release data according to Electronic Data Interchange (EDI) standards.

Ozark states that the exit fee stipulations between Ozark and its only two firm shippers have been approved. Ozark states that, as a result, seventy days after the Effective Date of the stipulations, it will have no firm shippers and there can be no releases of firm capacity on Ozark. Ozark further states that there will be no releases of firm capacity on Ozark. Ozark further states that there will be no benefits to shippers by requiring Ozark to implement EDI and any costs associated with the EDI standards on Ozark will necessarily outweigh the benefits.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Emergency Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the

Commission's Rules and Regulations. All such motions or protests should be filed on or before July 31, 1995. 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 in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 95-18543 Filed 7-27-95; 8:45 am]
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[Project No. 2643-001]

PacifiCorp; Notice of Availability of Navigability Report for the Deschutes River, Request for Comments, and Notice of Pending Jurisdictional Inquiry

July 24, 1995.

PacifiCorp has filed an application for a subsequent license to continue operating its Bend Hydroelectric Project No. 2643. The project is located on the Deschutes River in the City of Bend, Deschutes County, Oregon. As part of its review of PacifiCorp's relicensing application, the Commission staff is investigating the jurisdictional status of the project and has prepared a navigability report for the Deschutes River. The navigability report concludes that the Deschutes River is not navigable in the vicinity of the Bend Project. If the Commission accepts the staff's conclusions regarding navigability, the likely outcome will be a Commission determination that the project is not required to be licensed pursuant to Section 23(b)(1) of the Federal Power Act (FPA). Because this determination may affect the resolution of matters at issue in the relicensing proceeding, all parties and interested persons are being given notice of the pending jurisdictional inquiry and an opportunity to comment on the navigability report. Comments may be filed no later than September 29, 1995.

Jurisdiction

The Commission recently explained its licensing jurisdiction as follows:¹

Under the FPA, the Commission has two types of licensing jurisdiction: permissive and mandatory. Permissive licensing is authorized rather than required, and is

¹ Swanton Village, Vermont, 70 FERC ¶ 61,325 at pp. 61,992-93 (1995) (citations omitted). See *Cooley v. FERC*, 843 F.2d 1464, 1471 (D.C. Cir. 1988), cert. denied, 109 S.Ct. 327 (1988).

governed by Section 4(e) of the FPA. Mandatory licensing is governed by Section 23(b)(1) of the FPA, which prohibits the unlicensed construction and operation of certain hydroelectric projects. Thus, it is possible for a voluntary applicant to obtain a license under Section 4(e) of the FPA for a project that would not require a license under Section 23(b)(1).

Under Section 23(b)(1) of the FPA, a license is required for a hydroelectric project if it: (1) is located on "navigable waters of the United States"; (2) occupies lands or reservations of the United States; (3) uses the surplus water or water power from a government dam; or (4) is located on a non-navigable Commerce Clause stream, affects the interests of interstate or foreign commerce, and has undergone construction or major modification after August 26, 1935.² If those conditions are not met, Section 4(e) of the FPA would permit licensing of a hydroelectric project in response to a voluntary application if the project is located on a Commerce Clause water.

The Commission staff has determined that the Bend Hydroelectric Project would not be located on federal lands or make use of a government dam. Therefore, whether licensing is required depends on whether conditions (1) or (4) above are met.

Regarding (4) above, the Commission staff has concluded that the Bend Hydroelectric Project is located on a non-navigable Commerce Clause stream within the meaning of Section 23(b)(1) of the FPA.³ Because the Bend Project generates power for the interstate electric grid, the project affects the interests of interstate commerce within the meaning of Section 23(b)(1).⁴ However, the project was constructed in 1913, and the Commission staff has found no evidence of any significant construction or major modification of the project after 1935.

Navigability

In these circumstances, whether licensing is required depends on whether the Bend Hydroelectric Project is located on a "navigable river of the United States." The staff's navigability report concludes that the Deschutes River is not navigable in the vicinity of the Bend Hydroelectric Project. It finds that, although portions of the Deschutes River are used by recreational boaters, especially white water rafters, both above and below the project site, the river is not navigable in the vicinity of

² See *Farmington River Power Co. v. Federal Power Commission*, 455 F.2d 86 (2d Cir. 1972).

³ The Deschutes River flows into the navigable Columbia River. It is well-settled that Commerce Clause streams include the headwaters and tributaries of navigable rivers. See 70 FERC ¶ 61,325 at p. 61,994.

⁴ See *Federal Power Commission v. Union Electric Co.* ("Taum Sauk"), 381 U.S. 90, 97 (1965).