

docketed as Docket No. EL97-8-000 and pleadings filed at DOE in response to that application are incorporated into the record in Docket No. EL97-8-000.

In a pleading filed November 1, 1996, EPMI informed the Commission that CFE will select the winning bidder on November 7, 1996, and the chosen supplier will have 10 days from that time (November 17, 1996) to demonstrate that it has transmission service to meet the CFE's requirements. El Paso filed an emergency motion on November 1, 1996, requesting a period of time no earlier than December 2, 1996, in which to submit a response to EPMI's October 7, 1996 application. El Paso states that it will, assuming its system has capacity, voluntarily provide the service sought by EPMI, as well as service to any entity that is selected by CFE as a result of its September 9, 1996 RFP, "at rates, terms and conditions that are identical to those incorporated in its Open Access Transmission Tariff" but "under a separate agreement that is not subject to the jurisdiction of the Commission," pending final action on EPMI's application. On November 4, 1996, EPMI filed an answer to El Paso's motion stating that it does not oppose El Paso's requests as long as: (1) El Paso's commitment to provide voluntary service is fully enforceable in future compliance or complaint proceedings before the Commission under sections 205 and 206 of the FPA; and (2) EPMI is afforded an opportunity to respond to the arguments that El Paso may make.

Given the time constraints involved in this proceeding, we believe it necessary to provide hearing procedures that will afford El Paso with an "opportunity for hearing" required in section 202(e) of the FPA, the Presidential Permits or the Executive Orders under which such permits were issued, or in El Paso's export authorization from DOE before November 17, 1996, on the issues raised in EPMI's October 7, 1996, application. El Paso's motion does not provide sufficient reassurance that service will be available to EPMI or another winning bidder during the pendency of this proceeding because, as EPMI notes, El Paso does not believe that service is enforceable by this Commission under the Federal Power Act and has provided potential suppliers to CFE no other means of ensuring that service will be provided. As a result, unless El Paso in the immediate future provides sufficient reassurance that service will be available during the pendency of this proceeding, timely action on this complaint is necessary. Thus, we will grant El Paso's motion only if, by November 8, El Paso agrees in writing to offer to the winning bidder selected

by CFE an enforceable contract for the year 1997 to provide the necessary transmission services at rates, terms and conditions consistent with the comparability and non-discriminatory principles articulated in Order No. 888. Further, El Paso must by November 8 agree to abide by the Commission's resolution of any disputes that arise under such contract, pending Commission resolution of the jurisdictional issues presented in this proceeding.

If El Paso does not provide this written consent by November 8, any person desiring to be heard or to protest or answer EPMI's filing in Docket No. EL97-8-000, including El Paso, should file a motion to intervene, protest, or answer, including supporting materials, with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214, 211 and 213 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 211, 213). All such motions, protests, answers, and supporting materials, must be filed on or before November 12, 1996. 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.

By direction of the Commission.

Lois D. Cashell,  
*Secretary.*

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#### **[Docket No. RP97-56-000]**

#### **Florida Gas Transmission Company; Notice of Transition Cost Recovery Report**

November 5, 1996.

Take notice that on November 1, 1996, Florida Gas Transmission Company (FGT) tendered for filing a Transition Cost Recovery Report pursuant to Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1.

FGT states that the Transition Cost Recovery Report filed summarizes the activity which has occurred in its TCR Account and Order No. 636 Account through October, 1996 and includes \$940,948.87 of recoverable transition costs not previously reported. FGT states that because the currently effective TCR and 636 reservation charge and TCR usage surcharge rates

are at the maximum levels permitted by FGT's tariff, no tariff revisions are required as a result of this filing.

FGT states that copies of the filing were mailed to all customers serviced under the rate schedules affected by the report and the interested state commissions.

Any person desiring to be heard or to protest this 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 Sections 385.214 and 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before November 13, 1996. 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.*

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#### **[Docket No. RP96-267-001]**

#### **Gas Research Institute; Notice of Request**

November 5, 1996.

Take notice that on November 4, 1996, Gas Research Institute (GRI) filed a letter requesting authority to exceed the 10-unit field test limit for one of three planned field test activities.

In a letter dated October 16, 1996, GRI notified the Director of the Office of Pipeline Regulation that it plans to commence three separate field test activities. Two of these are scheduled to begin immediately and last through the end of 1996, and involve the field testing of 11 units in Project 0616 and 6 units in Project 1007. The third field test, which involves only one unit in Project 1445, is not scheduled to commence until April-May 1997. GRI notes that the field test activities in Projects 1007 and 1445 do not require prior Commission approval before commencement. GRI is required, however, to inform the Commission when it commences field test activities under its automatic authority. In compliance with this requirement, GRI's letter includes information on the field test activities in Projects 1007 and 1445, and on the first 10 units of the Project 0616 field test.