

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.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. MG96-14-002]

#### **K N Wattenberg Transmission Limited Liability Company; Notice of Filing**

October 22, 1997.

Take notice that on October 14, 1997, K N Wattenberg Limited Liability Company (KNW) submitted revised standards of conduct in response to the Commission's September 15, 1997, order.<sup>1</sup>

KNW states that copies of this filing have been mailed to all parties on the official service list compiled by the Secretary in this proceeding. 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 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 6, 1997. 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.*

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## DEPARTMENT OF ENERGY

[Docket No. ER97-4799-000]

#### **Maine Public Service Company; Notice of Filing**

October 22, 1997.

Take notice that on September 30, 1997, Maine Public Service Company filed an executed Service Agreement with PacifiCorp Marketing, Inc.

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 November 3, 1997. 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.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL95-3-001]

#### **MidAmerica Energy Company (formerly Midwest Power Systems Inc.); Order Granting Intervention and Denying Rehearing**

Issued October 22, 1997.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, and William L. Massey.

On June 13, 1997, Southern Company Services, Inc. (Southern)<sup>1</sup> filed a motion to intervene out of time and a request for rehearing of the Commission's order issued May 15, 1997. *MidAmerican Energy Company (formerly Midwest Power Systems, Inc.)*, 79 FERC ¶ 61,169 (1997) (May 15 order). For the reasons stated below, we will grant the motion

to intervene and deny the rehearing request.

#### **Background**

In the May 15 order, the Commission: (a) dismissed as moot a request by Midwest Power, a division of Midwest Power Systems Inc. (Midwest Power or Applicant),<sup>2</sup> for a declaratory order authorizing it to reduce its annual composite rate of depreciation for accounting purposes;<sup>3</sup> and (b) clarified its order, issued April 19, 1994, in *Midwest Power Systems Inc.*, 67 FERC ¶ 61,076 (1994) (*Midwest Power*), which noted that section 302(a) of the FPA, 16 U.S.C. § 825a(a) (1994), requires that public utilities and licensees filed for Commission approval of proposed depreciation rate changes for accounting purposes. The Commission noted that, notwithstanding the clear language of section 302(a), there apparently was some confusion in the industry as to what should be done. Accordingly, the Commission did not require public utilities and licensees to file for formal approval of depreciation rate changes for accounting purposes where the depreciation rate changes were based on sound depreciation accounting practices and implemented prior to April 19, 1994. For changes in depreciation rates for accounting purposes implemented on or after April 19, 1994, and prior to the date of publication of the May 15 order in the **Federal Register**,<sup>4</sup> the Commission accorded public utilities and licensees an amnesty period extending to and including December 31, 1997, to make filings to change their depreciation rates for accounting purposes.<sup>5</sup>

#### **Southern's Rehearing Request**

Southern has moved to intervene out of time in order to seek rehearing of the

<sup>2</sup> By order issued June 22, 1995, the Commission authorized the merger of Midwest Power and Iowa-Illinois Gas and Electric Company. MidAmerican Energy Company is the surviving corporation. See *Midwest Power Systems, Inc. and Iowa-Illinois Gas and Electric Company*, 71 FERC ¶ 61,386 (1995).

<sup>3</sup> Midwest Power did not make this proposal in the context of a ratemaking proceeding under sections 205 or 206 of the Federal Power Act (FPA), 16 U.S.C. §§ 824d, e (1994). Accordingly, this order addresses only changes in depreciation rates for accounting purposes, and not recovery of depreciation-related expenses in, or changes in, electric rates and charges. Likewise, this order does not address requests to change depreciation rates that are made as part of proposals to change electric rates and charges under sections 205 or 206 of the FPA.

<sup>4</sup> The order was published in the Federal Register on May 22, 1997.

<sup>5</sup> The Commission also clarified that requests for depreciation rate changes for accounting purposes may be made under Rule 204 of the commission's Rules of Practice and Procedure, 18 CFR § 385.204 (1996), which does not require payment of a filing fee.

<sup>1</sup> Southern states that it is acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as the Southern Companies).

<sup>1</sup> 80 FERC ¶ 61,291 (1997).