

actually incurred expenses for the power costs with less erratic swings from quarter to quarter.

Granite State states that its preference is for acceptance of the PCA surcharge for the quarter beginning April 1, 1998 derived using the change in reconciliation procedure proposed in its filing but, in the event that the Commission does not accept the change, Granite State has filed alternate revised tariff sheets on which the quarterly surcharge has been derived without any change in the reconciliation procedure.

Granite State further states that copies of its filing have been served on its firm transportation customers and on the regulatory agencies for the States of Maine, Massachusetts and New Hampshire.

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, NE, Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with Section 154.210 of the Commission's Regulations. 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.

**David P. Boergers,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. UL96-18-001]

#### Hubbardston Hydro Company; Notice Rejecting Request for Rehearing

March 5, 1998.

On December 23, 1997, the Acting Director, Office of Hydropower Licensing, issued an order finding that the existing unlicensed Hubbardston Hydro Project, located on Fish Creek in Ionia County, Michigan, is required to be licensed.<sup>1</sup> On February 2, 1998,

<sup>1</sup> 81 FERC ¶ 62,223. Hubbardston cites to a January 6, 1998, letter transmitting a copy of the order to Hubbardston. However, the only date that is relevant is the issuance date which is clearly identified immediately beneath the title of the order.

Hubbardston Hydro Company filed a late request for rehearing of that order.

Section 313(a) of the Federal Power Act<sup>2</sup> requires an aggrieved party to file a request for rehearing within 30 days after the issuance of the Commission's order, in this case by January 22, 1998. Because the 30-day deadline for requesting rehearing is statutorily based, it cannot be extended and Hubbardston Hydro Company's request for rehearing must be rejected as untimely.<sup>3</sup> However, on February 23, 1998, Hubbardston filed a motion for reconsideration and clarification which the Commission will consider.

This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this notice pursuant to 18 CFR 385.713.

**David P. Boergers,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1975]

#### Idaho Power Company; Notice of Authorization for Continued Project Operation

March 5, 1998.

On December 20, 1995, Idaho Power Company, licensee for the Bliss Project No. 1975, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's Regulations thereunder. Project No. 1975 is located on the Snake River in Gooding, Twin Falls, and Elmore Counties, Idaho.

The license for Project No. 1975 was issued for a period ending February 28, 1998. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR

<sup>2</sup> 16 U.S.C. 825f.

<sup>3</sup> In addition, Hubbardston's pleading raises no allegations of error with respect to the December 23, order.

16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 1975 is issued to Idaho Power Company for a period effective March 1, 1998, through February 28, 1999, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 1999, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Idaho Power Company is authorized to continue operation of the Bliss Project No. 1975 until such time as the Commission acts on its application for subsequent license.

**David P. Boergers,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP97-373-000]

#### Koch Gateway Pipeline Company; Notice of Informal Settlement Conference

March 5, 1998.

Take notice that an informal settlement conference will be convened in this proceeding on March 12, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to