

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP00-212-002]****NUI Corporation (City Gas Company of Florida Division) v. Florida Gas Transmission Company; Notice of Proposed Compliance Filing**

August 18, 2000.

Take notice that on August 14, 2000, Florida Gas Transmission Company ("FGT") tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1 ("Tariff") effective August 25, 2000, the following tariff sheets:

Substitute First Revised Sheet No. 186
Substitute Fifth Revised Sheet No. 187

FGT states that on March 8, 2000, NUI Corporation (City Gas Company of Florida Division) (NUI) filed a complaint contending that FGT violated applicable Commission policy, as well as FGT's tariff, by not permitting NUI to reduce its contract demand selectively by season in matching a bid submitted under FGT's Right-of-First-Refusal ("ROFR") procedures. Subsequently, on July 14, 2000, the Commission issued an order in the referenced docket ("July 14 Order") requiring FGT to clarify shippers' rights to uniformly reduce contract demand when exercising their ROFR rights. In compliance with the Commission's July 14 Order, on July 27, 2000, FGT filed tariff sheets ("July 27 Filing") adding tariff language allowing shippers exercising ROFR rights to reduce contract demand by either a uniform percentage reduction for each season or by the same absolute volume amount in each season.

In response to FGT's filing, several shippers protested FGT's inclusion in proposed tariff language the phrase "that does not require its entire contract quantities to serve its core customers." The protesting shippers stated that the phrase was ambiguous, limited the rights of certain shippers to reduce their contract quantities and was beyond the scope of the Commission's Order. FGT states that it did not intend to limit the rights of shippers in the ROFR process in any way, but included this phrase as a result of the issues raised in the NUI complaint proceeding. However, after reviewing the protests, FGT states that it agrees that the language could be interpreted as limiting ROFR rights. In the instant filing, FGT states that it is refiling tariff language to comply with the Commission's July 14 Order, but without the language that has been

interpreted as limiting shipper's rights of reduction in the ROFR process.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP00-212-003]****NUI Corporation (City of Gas Company of Florida Division) v. Florida Gas Transmission Company; Notice of Filings**

August 21, 2000.

Take notice that on August 14, 2000, Florida Gas Transmission Company (FGT), and Enron North America Corp. (ENA) each tendered for filing in the above referenced docket to comply with the requests for information in the Commission's Order on Complaint, Requiring Tariff Filing, And Requiring Filing of Information (Order on Complaint) issued on July 14, 2000, in this proceeding.¹

FGT and ENA filed information relating to ENA's need for capacity on the FGT system and ENA's decision to submit a bid on an expiring contract of NUI Corporation (City Gas Company of Florida Division) (NUI) during the right-of-first-refusal process.

FGT and ENA both request privileged and confidential treatment for some of the filed information because they assert the information sought relates to both FGT's and ENA's on-going business and personnel matters and, therefore, is proprietary and sensitive and would cause FGT, or its customers, and ENA

substantial competitive harm if disclosed. Accordingly, FGT and ENA request that the Commission treat their respective filings and the information contained therein as confidential and proprietary and not disclose such information, or require FGT or ENA to disclose such information to third parties pursuant to § 388.112 of the Commission's Regulations.

It is not clear from the filings whether FGT or ENA has served a redacted copy of their filings on the parties to the proceeding. As set forth in § 385.213(c)(5)(ii) of the Commission's regulations, FGT and ENA must provide a redacted copy of its filing without the privileged information to all parties on the official service list. In addition, both FGT and ENA must provide each party with a proposed form of protective agreement.

Under the July 14, 2000 order, parties were to have thirty days from the date of the filings within which to file a response to the FGT and ENA filings. The time period will be extended to October 13, 2000 to permit sufficient time to execute protective agreements and review the filings. Copies of these filings are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (Call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,
Acting Secretary.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. ER00-3109-000]****NYSD Limited Partnership, et al.; Notice of Issuance of Order**

August 18, 2000.

NYSD Limited Partnership, *et al.* (NYSD) submitted for filing a rate schedule under which NYSD will engage in wholesale electric power and energy transactions at market-based rates. NYSD also requested waiver of various Commission regulations. In particular, NYSD requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by NYSD.

On August 17, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates,

¹92 FERC ¶61,044 (2000).