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DEPARTMENT OF ENERGY

[FE Dockets No. PP-228 and EA-228]

Applications for Presidential Permit and Electricity Export Authorization Edison Sault Electric Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Applications.

SUMMARY: Edison Sault Electric Company (ESE) has applied for a Presidential permit to construct, connect, operate and maintain a 230,000-volt (230-kV) underground electric transmission facility across the U.S. border with Canada. In addition, ESE has applied for authorization to export electric energy to Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before September 28, 2000.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-9624 or Michael T. Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038. Exports of electricity from the United States to a foreign country are also regulated and

require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On August 17, 2000, ESE, a transmission and distribution company and wholly-owned subsidiary of Wisconsin Energy Corporation, an investor owned public utility, filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. ESE proposes to construct an underground 230-kV transmission line from an existing substation located in Sault Ste. Marie, Michigan, to an existing substation located in Sault Ste. Marie, Ontario, Canada, a distance of approximately 6,000 feet. The facilities within Canada will be owned by Great Lakes Power Inc. (GLP), an investor owned utility in Canada. In a separate application, also filed on August 17, 2000, ESE applied for authorization to export electric energy to Canada using the proposed facilities, pursuant to section 202(e) of the FPA.

In its application, ESE notes that the purpose of the proposed transmission line and export authorization is to transmit electricity between the ESE and the GLP systems and to provide both companies with additional competitive supplies of electric power. ESE also asserts that these facilities will enhance the reliability of both systems.

ESE is proposing to develop this project in two phases. Initially, ESE would construct a 230-kV transmission line under the St. Mary's River connecting its existing Portage Road Substation, located in Sault Ste. Marie, Michigan, with GLP's existing F. H. Clergue substation, located in Sault Ste. Marie, Ontario, Canada. This is a distance of approximately 6,000 feet. In phase one, the 230-kV facilities will be operated at 69-kV have the ability to transmit 50 megawatts (MW) to Canada. At a later date, and after submission of additional electric reliability studies to DOE, ESE proposes to operate the facilities at 230-kV and increase the ability of the facilities to transmit energy to Canada.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities.

Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on ESE's proposed facilities.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Donald Sawruk, President, Edison Sault Electric Co., 725 East Portage Road, Sault, Michigan, 49783 and Mrs. Cheryl Feik Ryan, Van Ness Feldman, 1050 Thomas Jefferson Street, NW, Washington, DC 20087.

Before a Presidential permit or electricity export authorization may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed actions pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or

downloaded from the Fossil Energy Home Page at: <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity" from the options menu, and then "Pending Proceedings."

Issued in Washington, DC, on August 22, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-336-001]

El Paso Natural Gas Company; Notice of Compliance Filing

August 23, 2000.

Take notice that on August 15, 2000, pursuant to subpart C of part 154 of the Federal Energy Regulatory Commission's (Commission) Regulations and in compliance with the Commission's orders issued February 9, 2000 at Docket No. RM98-10-000, *et al.*, May 19, 2000 at Docket No. RM98-10-001, *et al.*, and June 7, 2000 at Docket No. RP00-293-000, El Paso Natural Gas Company (El Paso) tendered for filing and acceptance the following pro forma tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1-A.

First Revised Sheet No. 290A
Original Sheet No. 290B
Original Sheet No. 290C

El Paso states that the pro forma tariff sheets are being filed to submit a segmentation plan in compliance with the Commission's Order Nos. 637 and 637-A and the Order Granting Extension of Time in Part regarding capacity segmentation.

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).

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96-583-001]

Kinder Morgan Texas Pipeline, Inc.; Notice of Redesignation of Proceeding

August 23, 2000.

Take notice that on August 15, 2000, Kinder Morgan Texas Pipeline, Inc. (Kinder Morgan Texas), tendered for filing a letter to inform the Commission of a name change related to Natural Gas Act (NGA) section 3 Authority and Presidential Permit issued December 17, 1997, in Docket No. CP96-583-001.¹ Specifically, Kinder Morgan Texas states that its name was changed from MidCon Texas Pipeline Operator, Inc. (MidCon Texas) effective May 1, 2000.

Kinder Morgan Texas states that the name change has no effect on its obligations and responsibilities under the Presidential Permit and section 3 authority as provided by the December 17, 1997 order with respect to the construction and operation of the proposed international border crossing facilities. Accordingly, pursuant to Section 375.302(r) of the Commission's Rules and Regulations, notice is hereby given that this proceeding is being redesignated to reflect the permit holder's new name.

Linwood A. Watson, Jr.,

Acting Secretary.

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BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00-127-000, *et al.*]

Indianapolis Power & Light Company, *et al.* Electric Rate and Corporate Regulation Filings

August 23, 2000.

Take notice that the following filings have been made with the Commission:

¹ MidCon Texas Pipeline Operator, Inc., 81 FERC ¶ 61,326 (1997).

1. Indianapolis Power & Light Company

[Docket No. EC00-127-000]

Take notice that on August 18, 2000, Indianapolis Power & Light Company (IPL), tendered for filing an application under Section 203 of the Federal Power Act for authorization for the sale by IPL of the transmission facilities at its Perry K Steam Plant in Indianapolis, Indiana to Citizens Gas & Coke Utility (Citizens). The Perry K Steam production facility includes two generators that are capable of producing approximately 20 MW.

Comment date: September 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Northeast Utilities Service Company and Select Energy, Inc. v. ISO New England Inc.

[Docket No. EL00-102-000]

Take notice that on August 21, 2000, Northeast Utilities Service Company and Select Energy tendered for filing pursuant to Sections 206 and 306 of the Federal Power Act a complaint against ISO New England Inc., regarding its mitigation of the monthly Installed Capability markets for the January 2000 through July 2000 period.

Comment date: September 11, 2000, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be due on or before September 11, 2000.

3. COSI Puna, Inc.

[Docket No. EG00-198-000]

Take notice that on August 17, 2000, COSI Puna, Inc. (the Applicant), with its principal place of business at 111 Market Place, Suite 200, Baltimore, Maryland 21202, tendered for filing with the Federal Energy Regulatory Commission an amendment to its application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations that was originally filed on June 29, 2000 in the above-referenced docket.

Comment date: September 13, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended application.

4. Aques Investments Corporation II

[Docket No. EG00-199-000]

Take notice that on August 17, 2000, Aques Investments Corporation II (the Applicant), with its principal place of business at 111 Market Place, Suite 200, Baltimore, Maryland 21202, tendered for filing with the Federal Energy Regulatory Commission an amendment