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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. D199-2-001]

#### Alaska Power & Telephone Company; Notice Denying Intervention and Rejecting Request for Rehearing

November 13, 2001.

On August 16, 2001, the Director of the Commission's Division of Hydropower Administration and Compliance, Office of Energy Projects (Director), issued an order ruling on a declaration of intention and finding licensing not required for the proposed Gartina Creek Hydroelectric Project. 96 FERC ¶ 62,162 (2001). On September 17, 2001, Trout Unlimited and American Rivers jointly filed a motion for late intervention and a request for rehearing of the August 16 order.

In determining whether to grant late intervention, the Commission may consider such factors as whether the movant had good cause for filing late, whether the movant's interest is adequately represented by other parties to the proceeding, and whether granting the intervention might result in disruption to the proceedings or prejudice to the parties.<sup>1</sup> When late intervention is sought after issuance of a dispositive order, however, extraordinary grounds must be presented to warrant favorable action on the request.<sup>2</sup> Trout Unlimited and American Rivers assert that the challenged order establishes a significant precedent, and that the Commission may accept late intervention incident to rehearing concerning matters of jurisdiction. This does not establish good cause, and does not address the need to show extraordinary grounds for late intervention. Accordingly, the motion for late intervention is denied. Because only a party to the proceeding may seek rehearing, the request for rehearing filed by Trout Unlimited and American Rivers is rejected.<sup>3</sup>

This notice constitutes final agency action. Requests for rehearing by the

Commission of this notice must be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

David P. Boergers,  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP00-61-001 and CP00-61-002]

#### Central New York Oil and Gas Company, LLC; Notice of Compliance Filing

November 9, 2001.

Take notice that on October 31, 2001, as amended on November 9, 2001, Central New York Oil and Gas Company, LLC (CNYOG) tendered for filing its FERC Gas Tariff, Original Volume No. 1, consisting of Sheet Nos. 0-140, to be effective December 1, 2001.

CNYOG asserts that the purpose of its filing is to comply with the Commission's order issued February 23, 2001, in Docket Nos. CP00-61-000, CP00-62-000, and CP00-63-000 granting CNYOG's request for certificates for construction of the Stagecoach Storage Project, a natural gas storage field in south central New York (Central New York Oil and Gas Company and Tennessee Gas Pipeline Company, 94 FERC ¶ 61,194 (2001)). In that order the Commission directed CNYOG to file its tariff at least thirty days prior to providing service from the Stagecoach Storage Project.

CNYOG further asserts that it has served copies of this filing upon all parties of record in these proceedings and interested state commissions. Any question concerning this filing may be directed to counsel for CNYOG, James F. Bowe, Jr., Esq., Dewey Ballantine LLP at (202) 429-1444, fax (202) 429-1579, or via the internet at [jbowe@deweyballantine.com](mailto:jbowe@deweyballantine.com).

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 of practice and procedure (18 CFR 385.211 and 385.214) by November 16, 2001. All such motions or protests must be filed as provided in section 157.10 of the Commission's regulations (18 CFR 157.10). 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 to the proceeding must file a Motion To Intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc/fed/us/online/rims.htm> (call (202) 208-2222 for assistance). Comments and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,  
Acting Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-262-002]

#### Columbia Gas Transmission Corporation; Notice of Compliance Filing

November 9, 2001.

Take notice that on October 31, 2001, Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing its report addressing the steps taken to mitigate increases in unaccounted-for gas levels to comply with the Commission's letter order issued on March 28, 2001 94 FERC ¶ 61,350 (2001).

Columbia Gas states that the instant report sets forth Columbia Gas' explanation of the possible causes of the increase in the lost and unaccounted-for quantities, and sets forth the resulting adjustments as promised in April 30, 2001 filing. Columbia Gas states that it proposes to reflect such adjustments in the calculation of the revised transportation retainage factor that was filed concurrently in Columbia Gas' Periodic RAM Filing. Columbia Gas states that the Periodic RAM Filing reflects the adjustments identified in the instant report that equate to a total one-time decrease of 1,889,900 Dth to the actual lost and unaccounted-for account.

Any person desiring to protest said 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

<sup>1</sup> See 18 CFR § 385.214(d) (2001).

<sup>2</sup> See Weber Basin Water Conservancy District, 50 FERC ¶ 61,409 at p. 62,262 (1990).

<sup>3</sup> The Commission may, in its discretion, allow late intervention and rehearing concerning matters which relate to its jurisdiction. See, e.g., Alaska Power Company, 81 FERC ¶ 61,239 (1997). In this case, other parties to the proceeding have intervened and sought rehearing of the jurisdictional issues.

Regulations. All such protests must be filed on or before November 14, 2001. 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). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP02-40-000]

#### Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 9, 2001.

Take notice that on November 6, 2001 Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, on certain revised tariff sheets in the above captioned docket bear a proposed effective date of November 1, 2001.

ESNG states that the purpose of this instant filing is to track rate changes attributable to storage services purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS. The costs of the above referenced storage services comprise the rates and charges payable under ESNG's respective Rate Schedules GSS and LSS. This tracking filing is being made pursuant to section 3 of ESNG's Rate Schedules GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's

rules and regulations. All such motions or protests must 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 proceedings. 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. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-28791 Filed 11-16-01; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC01-141-002]

#### Progress Energy, Inc., On Behalf Of Certain of Its Public Utility Subsidiaries; Notice of Filing

November 13, 2001.

Take notice that on November 7, 2001, Progress Energy, Inc., on behalf of Carolina Power & Light Company, Progress Genco Ventures, LLC, Progress Ventures, Inc., CP&L Newco, Inc., Monroe Power Company, Effingham County Power, LLC, MPC Generating, LLC, Richmond County Power, LLC, DeSoto County Generation Company, LLC, and Rowan County Power, LLC (collectively, Applicants) tendered for filing an amendment to an application requesting all necessary authorizations under section 203 of the Federal Power Act, 16 U.S.C. 824b (1996), to engage in a corporate reorganization.

Any person desiring to be heard or to protest such 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 rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before November 23, 2001. Protests will be considered by the Commission to determine the

appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-28780 Filed 11-16-01; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-2444-000]

#### Tri-State Generation and Transmission Association, Inc.; Notice of Issuance of Order

November 13, 2001.

Tri-State Generation and Transmission, Inc. (Tri-State) submitted for filing a rate schedule under which Tri-State will engage in wholesale electric power and energy transactions at market-based rates. Tri-State also requested waiver of various Commission regulations. In particular, Tri-State requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Tri-State.

On September 12, 2001, pursuant to delegated authority, the Director, OMTR/Tariffs and Rates-West, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Tri-State should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Tri-State is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise