

the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

Protest Date: March 4, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-4850 Filed 2-28-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03-259-000]

Questar Pipeline Company; Notice of Tariff Filing

February 24, 2003.

Take notice that on February 20, 2003, Questar Pipeline Company (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff, to be effective March 22, 2003.

Second Revised Sheet No. 4
 Twenty-Eighth Revised Sheet No. 5
 Fifteenth Revised Sheet No. 5A
 Fifteenth Revised Sheet No. 6
 Tenth Revised Sheet No. 6A
 Third Revised Sheet No. 11
 Fifth Revised Sheet No. 56A
 Sixth Revised Sheet No. 58
 Tenth Revised Sheet No. 59
 Seventh Revised Sheet No. 60B
 Sixth Revised Sheet No. 62
 Sixth Revised Sheet No. 63
 First Revised Sheet No. 67A
 Eighth Revised Sheet No. 68
 Second Revised Sheet No. 69
 Original Sheet No. 69A
 Ninth Revised Sheet No. 75
 Second Revised Sheet No. 99I
 Seventh Revised Sheet No. 163
 First Revised Sheet No. 179H
 First Revised Sheet No. 185A
 First Revised Sheet No. 185B
 Third Revised Sheet No. 187
 Fourth Revised Sheet No. 193
 Second Revised Sheet No. 194
 Third Revised Sheet No. 196
 Third Revised Sheet No. 197

Questar states that its filing proposes a "cleanup" of specific aspects of its tariff language, including the removal of

tariff language affected by the Commission's announcement of the removal of the waiver of the rate ceiling on short-term capacity-release transactions that expired September 30, 2002, pursuant to 18 CFR 284.8(i).

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

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 385.314 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. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

Comment Date: March 4, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-4849 Filed 2-28-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03-50-000]

Tennessee Gas Pipeline Company; Notice of Application

Dated: February 24, 2003.

On February 11, 2003, Tennessee Gas Pipeline Company (Tennessee), 9 East Greenway Plaza, Houston, Texas 77046, filed in Docket No. CP03-50-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended,

and part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), for authorization to abandon in place the Yalobusha pipeline segment 800-2 located in Grenada County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Tennessee states that in 1963 it constructed a secondary river crossing of the Yalobusha River in Grenada County, Mississippi, pursuant to authorization granted in Docket No. CP63-48-000 and this segment known as the Yalobusha pipeline segment 800-2 is thirty inches in diameter and is approximately 1,000 feet in length. Tennessee further states that: (1) The Yalobusha pipeline segment 800-2 was constructed to minimize service interruption while the existing crossing, Line 800-1, was lowered; (2) to safely lower Line 800-1, Tennessee first constructed the new crossing and then temporarily removed Line 800-1 from service; and (3) subsequent to lowering Line 800-1, Tennessee redirected the flow of gas from the Yalobusha pipeline segment 800-2 back to Line 800-1.

Tennessee indicates that it does not currently rely on the Yalobusha pipeline segment 800-2 to provide service to any customers. In addition, Tennessee states that it plans to perform maintenance on the Line 800-1 segment in 2003 to make it piggable. Because of its infrequent use, maintenance issues, and redundant nature, Tennessee states that it proposes to abandon the Yalobusha pipeline segment 800-2 when Tennessee is in Grenada County, Mississippi, performing maintenance on Line 800-1 to make it piggable. Additionally, Tennessee states that the abandonment of the line will not significantly affect its capacity. According to Tennessee, the results of the abandonment of Yalobusha pipeline segment 800-2 will be a 0.060% reduction in capacity and that the cost associated with the proposed abandonment is \$262,000.

Any questions concerning this application may be directed to Jacques Hodges, Attorney, Tennessee Gas Pipeline Company, 9 East Greenway Plaza, Houston, Texas 77046, at (832)

676-5509 or fax (832) 676-2251 or Veronica Hill, Certificates & Regulatory Compliance, at (832) 676-3295 or fax (832) 676-2231.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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. The Commission strongly encourages electronic filings.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.
Comment Date: March 6, 2003.

Magalie R. Salas,
Secretary.

[FR Doc. 03-4843 Filed 2-28-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES02-51-000]

Before Commissioners: Pat Wood, III, Chairman; William L. Massey, and Nora Mead Brownell, Westar Energy, Inc.; Order Conditionally Granting Authorization To Issue Long-Term Unsecured Debt and Announcing New Policy on Conditioning Securities Authorizations

Issued: February 21, 2003.

1. In this order, the Commission will grant Westar Energy, Inc.'s (Westar, formerly Western Resources, Inc.) request to issue long-term, unsecured debt, but will do so conditionally with restrictions on this authorization. In addition, the Commission intends that all future issuances of secured and unsecured debt authorized by the Commission will be similarly conditioned. This order benefits customers by ensuring that the authorization of a public utility to issue securities accords with the requirements of section 204 of the Federal Power Act (FPA).¹

Background

2. On September 6, 2002, Westar submitted an application pursuant to section 204(a) of the FPA² seeking authorization to issue long-term, unsecured debt in an amount not to exceed \$650 million at any one time. Westar also requests a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2 (2002).

3. On November 1, 2002, the Director of the Office of Markets, Tariffs, and Rates' Division of Tariffs and Market Development-Central requested additional information from Westar. Westar filed its response on November 15, 2002 (Westar Response). Westar, among other things, provided details related to its existing soon-to-mature debt securities,³ its proposed debt issuance and why it believes the proposed issuance of the long-term, unsecured debt is in the public interest.

Notice, Interventions and Motions

4. Notices of the application and the data request response were published in

the *Federal Register*, 67 FR 59058 (2002) and 67 FR 70725 (2002), respectively. The Kansas Commission filed a notice of intervention and comments on October 2, 2002. MBIA Insurance Company (MBIA) submitted timely motions to intervene and comments on October 3, 2002, and December 11, 2002.

5. The Kansas Commission states that the Commission should view Westar's application in the context of concerns about the capital structure and debt obligations of Westar and its affiliates.⁴ The Kansas Commission also states that the Commission should not construe its filing as a request to deny Westar financing. However, the Kansas Commission emphasizes that its decision not to protest is based and conditioned upon Westar's declarations that the proceeds will be used solely to retire existing debt and that any debt issued will be "unsecured."⁵

6. MBIA insures approximately \$500 million of bonds secured by the first mortgage pledge of Westar and its subsidiary, Kansas Gas and Electric Company, and closely tracks Westar's financial health. MBIA states that it has become alarmed at what it views as recent indications regarding troubling financial and management issues with Westar,⁶ and that Westar's application contains scant information on how Westar's proposed issuance will relate to Westar's strained financial status. MBIA encourages the Commission to exercise appropriate due diligence to ensure that the standards of section 204 are met and that the issuance of the securities will not lead to further deterioration.⁷

7. On October 18, 2002, Westar submitted an answer in response to the Kansas Commission's and MBIA's comments.

8. On November 26, 2002, the Kansas Commission filed a motion to lodge its Order No. 51, requiring financial and corporate restructuring by Westar. This order requires Westar to obtain Kansas Commission approval before the issuance of any debt, to structurally separate its utility subsidiaries from its non-utility businesses and to reverse certain accounting transactions among its affiliates. Order No. 51 also provides

⁴ *See* Kansas Commission Notice of Intervention at 2.

⁵ *Id.* at 3-4.

⁶ MBIA notes: (1) An anticipated Kansas Commission order requiring a comprehensive restructuring, (2) reports of grand jury investigations of company executives and (3) Westar's efforts in seeking an exemption from limitations imposed by the Investment Company Act of 1940.

⁷ *See* Motion to Intervene at 1-2.

¹ 16 U.S.C. 824c (2000).

² 16 U.S.C. 824c(a) (2000).

³ Westar's pre-existing debt issuances were authorized by either this Commission or the Kansas Corporation Commission (Kansas Commission) with no conditions imposed on how much of the borrowings could be used for non-utility businesses or the amount of Westar's assets that could be used to secure the debt.