

Douglas W. Smith, Attorney for Bluewater Gas Storage, LLC, at (202) 298-1800.

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, on or before the comment date stated below 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). 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 in the proceeding with the Commission and must mail a copy to the applicant and to every other party. 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.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right

to seek court review of the Commission's final order.

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.

*Comment Date:* May 7, 2004.

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-262-003]

#### Natural Gas Pipeline Company of America; Notice of Compliance Filing

April 16, 2004.

Take notice that on April 13, 2004, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, to be effective June 1, 2004.

Natural states that the purpose of this filing is to comply with the Commission's Order Granting Clarification issued on March 29, 2004 (Order). Natural explains that the Order required changes to a prior compliance filing made by Natural in the referenced docket on April 17, 2003. Natural asserts that no tariff changes other than those required by the Order are reflected in this filing.

Natural states that copies of the filing are being mailed to all parties set out of the Commission's official service list in Docket No. RP03-262.

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 § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 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. 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 eLibrary 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](mailto: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.

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC04-96-000, et al.]

#### Mesquite Investors, L.L.C., et al.; Electric Rate and Corporate Filings

April 16, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

##### 1. Mesquite Investors, L.L.C., ANRV Eagle Point, L.P., ANR Venture Eagle Point Company, Okwari UCF LP

[Docket No. EC04-96-000]

Take notice that on April 15, 2004, Mesquite Investors, L.L.C. (Mesquite), ANRV Eagle Point, L.P. (ANRV), ANR Venture Eagle Point Company (ANR Eagle Point) and Okwari UCF LP (Okwari UCF) (jointly, Applicants) filed with the Commission an application pursuant to Section 203 of the Federal Power Act requesting that the Commission: (1) authorize the transfer of Mesquite's, ANRV's and ANR Eagle Point's membership interests in Utility Contract Funding, L.L.C. (UCF) to Okwari UCF; and (2) authorize the subsequent sale and transfer of up to 51 percent of the membership interests thus acquired by Okwari UCF to as yet unidentified purchasers. Applicants requested privileged treatment for certain exhibits pursuant to 18 CFR 3.9 and 388.112. Applicants also requested expedited consideration of this application.

*Comment Date:* May 6, 2004.

##### 2. Mirant Las Vegas, LLC, Complainant v. Nevada Power Company, Respondent

[Docket No. EL03-229-000]

Take notice that on September 15, 2003, Mirant Las Vegas, LLC (Mirant Las Vegas) filed a complaint against Nevada Power Company (Nevada Power) alleging that the terms and conditions of Nevada Power's Interconnection and

Operating Agreement with Mirant Las Vegas violate Commission policy and precedent and are unjust and unreasonable.

*Comment Date:* May 6, 2004.

### 3. Williams Generation Company—Hazelton; Williams Flexible Generation, LLC

[Docket No. ER97-4587-005 and ER00-2469-002]

Take notice that on April 12, 2004, Williams Generation Company—Hazelton and Williams Flexible Generation, LLC pursuant to Part 35 of the Commission's regulations, 18 CFR Part 35, submitted proposed tariff sheets to incorporate the Market Behavior Rules adopted by the Commission's order issued November 17, 2003, *Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations*, 105 FERC ¶ 61,218 (2003).

*Comment Date:* May 30, 2004.

### 4. Pacific Gas and Electric Company and ETrans LLC

[Docket No. ER02-455-000]

Take notice that on April 13, 2004, Pacific Gas and Electric Company (PG&E) and ETrans LLC, (collectively, Applicants) filed a Notice of Withdrawal stating that they want to withdraw the application previously filed in this docket and to terminate the present proceeding.

*Comment Date:* May 4, 2004.

### 5. Electric Generation, LLC

[Docket No. ER02-456-000]

Take notice that on April 13, 2004, Electric Generation LLC (Applicant) filed a Notice of Withdrawal stating that they want to withdraw the application previously filed in this docket and to terminate the present proceeding.

*Comment Date:* May 4, 2004.

### 6. Kentucky Utilities Company

[Docket No. ER04-203-002]

Take notice that on April 12, 2004, Kentucky Utilities Company submitted a compliance filing pursuant to the March 11, 2004 Letter Order from the Director of the Division of Tariffs and Market Development-Central.

*Comment Date:* May 3, 2004.

### 7. Southeast Chicago Energy Project, LLC

[Docket No. ER04-333-002]

Take notice that on April 12, 2004, Southeast Chicago Energy Project, LLC, tendered a compliance filing pursuant to the Commission's Letter Order issued March 11, 2004 in Docket Nos. ER04-333-000 and ER04-333-000.

*Comment Date:* May 3, 2004.

### 8. Central Vermont Public Service Corporation

[Docket Nos. ER04-510-002 and EL04-88-001]

Take notice that on April 12, 2004, Central Vermont Public Service Corporation (Central Vermont) submitted a compliance filing pursuant to the Commission's order issued March 12, 2004 *Central Vermont Public Service Corp.*, 106 FERC ¶ 61,247 (2004). Central Vermont requests an effective date of March 12, 2004.

Central Vermont states that copies of the filing were served upon North Hartland, LLC, the Vermont Department of Public Service, and the Vermont Public Service Board.

*Comment Date:* May 3, 2004.

### 9. Commonwealth Edison Company

[Docket No. ER04-595-001]

Take notice that on April 15, 2004, Commonwealth Edison Company (ComEd) filed its response to the Commission's letter issued April 8, 2004 regarding ComEd's February 27, 2004 filing to amend an Interconnection Agreement between ComEd and Cordova Energy Company LLC and change its designation from a rate schedule to a service agreement under ComEd's Open Access Transmission Tariff.

*Comment Date:* April 20, 2004.

### 10. Pacific Gas and Electric Company

[Docket No. ER04-725-000]

Take notice that on April 12, 2004, Pacific Gas and Electric Company (PG&E) tendered for filing proposed changes in rates for Sacramento Municipal Utility District (SMUD), to be effective July 1, 2003, developed using a rate adjustment mechanism previously agreed by PG&E and SMUD for First Revised PG&E Rate Schedule FERC Nos. 88 and 91 and Second Revised PG&E Rate Schedule FERC No. 136.

PG&E state that copies of this filing have been served upon SMUD, the California Independent System Operator Corporation, and the California Public Utilities Commission.

*Comment Date:* May 3, 2004.

### 11. Sierra Southwest Cooperative Services, Inc.

[Docket No. ER04-728-000]

Take notice that on April 12, 2004, Sierra Southwest Cooperative Services, Inc. tendered for filing Notices of Cancellation, pursuant to 18 CFR 35.15, to reflect cancellation of its Rate Schedules FERC Nos. 1 and 2.

*Comment Date:* May 3, 2004.

### 12. Pinpoint Power, LLC

[Docket No. ER04-729-000]

Take notice that on April 12, 2004, Pinpoint Power, LLC (Pinpoint) filed an Agreement for Supplemental Installed Capacity Southwest Connecticut (Agreement) with ISO New England Inc. (ISO-NE) in compliance with Section 205 of the Federal Power Act and the Commission's order issued February 27, 2004 in Docket No. ER04-335-000, *New England Power Pool*, 106 FERC ¶ 61,190 (2004). Pinpoint seeks expedited action on its filing and a waiver of the prior notice filing requirements to allow the Agreement to become effective on June 1, 2004.

Pinpoint states that copies of its filing were sent to ISO-NE.

*Comment Date:* May 3, 2004.

### 13. PJM Interconnection, L.L.C.

[Docket No. ER04-742-000]

Take notice that on April 15, 2004, PJM Interconnection, L.L.C. (PJM) submitted the initial annual allocation of financial transmission rights (FTRs) and auction revenue rights (ARRs) for the zone of Commonwealth Edison Company (ComEd), covering the first annual planning period after ComEd's scheduled integration into PJM. PJM requests an effective date of June 1, 2004 for the initial annual FTR and ARR allocation in the ComEd zone, corresponding to the start of the annual planning period in PJM.

PJM states that copies of the filing were served on all PJM members and the utility regulatory commissions in the PJM region.

*Comment Date:* April 26, 2004.

### Standard Paragraph

Any person desiring to intervene or to protest this filing should file 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). 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. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. 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 filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. 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.

**Magalie R. Salas,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL04-52-000]

#### Reporting By Transmission Providers on Vegetation Management Practices Related to Designated Transmission Facilities; Order Requiring Reporting on Vegetation Management Practices Related to Designated Transmission Facilities

Issued April 19, 2004.

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suedeen G. Kelly.

1. In this order, pursuant to section 311 of the Federal Power Act (FPA),<sup>1</sup> the Commission directs all entities that own, control or operate designated transmission facilities<sup>2</sup> in the lower 48 States (referred to herein as "transmission providers"), whether or not they are otherwise subject to the Commission's jurisdiction as a public utility, to report on the vegetation management practices they now use for those transmission lines and rights-of-ways. In order that this information be received before the summer peak load

<sup>1</sup> 16 U.S.C. 825j (2000). Section 311 of the FPA authorizes the Commission to conduct investigations in order to secure information necessary or appropriate as a basis for recommending legislation. Section 311 makes clear that the Commission's authority in conducting such investigations extends to entities otherwise not subject to the Commission's jurisdiction "including the generation, transmission, distribution and sale of electric energy by any agency, authority or instrumentality of the United States, or of any State or municipality \* \* \*."

<sup>2</sup> "Designated transmission facilities" are defined, for the purposes of this order only, as transmission lines with a rating of 230 kV or higher as well as tie-line interconnection facilities between control areas or balancing authority areas (regardless of kV rating) and "critical" lines as designated by the regional reliability council. See NERC, August 14, 2003 Blackout: NERC Actions to Prevent and Mitigate the Impacts of Future Cascading Blackouts at 9 n.3 (Feb. 10, 2004).

season, which typically has maximum transmission line loading and continued vegetation growth, this report should be submitted by June 17, 2004 to the Commission, the appropriate State commissions,<sup>3</sup> the North American Electric Reliability Council (NERC) and the relevant reliability authorities.<sup>4</sup> This order is driven by the findings of the Joint U.S.-Canada Task Force Final Blackout Report and benefits customers because better understanding of utility vegetation management practices on transmission lines will help to support improvements to overall grid reliability.

2. Failure to adequately maintain vegetation within transmission line rights-of-way has been identified as a major cause of the August 14, 2003 electric power blackout and as a common factor contributing to many previous regional outages. The vegetation management report required herein will provide the Commission, the States, NERC, reliability authorities and the Congress with valuable information regarding vegetation management problems that could cause line outages, and action taken to alleviate identified vegetation management problems. The Commission will also use this information in cooperation with the NARUC Ad-Hoc Committee on Critical Infrastructure to identify appropriate ways to assure effective vegetation management for electric transmission facilities.

3. The Commission strongly supports legislative reform to provide a clear Federal framework for developing and enforcing mandatory reliability rules. The information collected from the reporting requirement herein will be reflected in a Commission report to Congress on the reliability of the nation's interstate bulk electric systems, consistent with section 311 of the FPA.<sup>5</sup>

#### Background

4. On August 14, 2003, an electric power blackout occurred over large portions of the Northeast and Midwest United States and Ontario, Canada. The

<sup>3</sup> Some transmission providers are not subject to the jurisdiction of a State Commission. We request, however, that they serve a copy of the report on all State Commissions for States in which their transmission facilities are located.

<sup>4</sup> A reliability authority is the entity responsible for the sale and reliable operation of the interconnected transmission system for its defined "reliability authority area." This term is replacing the term "reliability coordinator" which has the same meaning and is still in common use in many areas. The term reliability authority as used in this order refers to the corporate entity responsible for reliability, which may be called either the reliability authority or the reliability coordinator for its area.

<sup>5</sup> "The Commission shall report to Congress the results of investigations made under authority of this section." 16 U.S.C. 825j.

blackout lasted up to two days in some areas of the United States and longer in some areas of Canada. It affected an area with over 50 million people and 61,800 megawatts of electric load. In the wake of the blackout, a joint U.S.-Canada Task Force (Task Force) undertook a study of the causes of that blackout and possible solutions to avoid future such blackouts. In November 2003, the Task Force issued an interim report, describing its investigation and findings and identifying the causes of the blackout.<sup>6</sup> The Task Force's final report, issued on April 5, 2004, verifies and expands the findings of the interim report.

5. The Task Force identified FirstEnergy Corporation's (FirstEnergy) failure to adequately trim trees and manage vegetation in its transmission rights-of-way as one of the four primary causes of the August 14, 2003 blackout.<sup>7</sup> The blackout investigation explained that, during the hour before the cascading blackout occurred, three FirstEnergy 345 kV transmission lines failed as a result of contact between the lines and overgrown vegetation that encroached into the required clearance height for the lines.<sup>8</sup> It stated that "because the trees were so tall \* \* \* each of these [three] lines faulted under system conditions well within specified operating parameters."<sup>9</sup>

6. The Interim Blackout Report also compared the August 2003 blackout with seven previous major outages and concluded that conductor contact with trees was a common factor among the outages.<sup>10</sup> The Task Force emphasized that vegetation management is critical and that many outages can be mitigated or prevented by managing the vegetation before it becomes a problem.<sup>11</sup> It also noted that investigation reports from previous major outages recommended

<sup>6</sup> U.S.-Canada Power System Outage Task Force, Interim Report: Causes of the August 14th Blackout in the United States and Canada (Nov. 2003) (Interim Blackout Report). The Interim Blackout Report is fully replaced by the Final Report.

<sup>7</sup> U.S.-Canada Power System Outage Task Force, Final Blackout Report (April 2004), at 20. The other primary causes identified by the Task Force were inadequate system understanding by FirstEnergy and the East Central Area Reliability Coordination Agreement (ECAR), a NERC Regional Reliability Council, and inadequate situational awareness by FirstEnergy, and failure of the interconnected grid's reliability organizations to provide effective diagnostic support. *Id.* at 17-20.

<sup>8</sup> *Id.* at 57-67.

<sup>9</sup> *Id.* at 58.

<sup>10</sup> *Id.* at 107. The Interim Blackout Report concluded that conductor contact with trees "was an initiating trigger in several of the outages and a contributing factor in the severity of several more \* \* \*. In some of the disturbances, tree contact accounted for the loss of more than one circuit, contributing multiple contingencies to the weakening of the system." *Id.*

<sup>11</sup> *Id.* at 59.