

reproduction at the address in item h. above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and eight copies to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to the Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-985 Filed 4-30-04; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Notice of Ferc Staff Attendance at Meetings of Southwest Power Pool Regional State Committee, Board Of Directors and Members**

April 23, 2004.

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the April 26 and 27, 2004 meetings of the Southwest Power Pool (SPP) Regional State Committee, SPP Board of Directors and SPP Members. The staff's attendance is part of the Commission's ongoing outreach efforts.

The discussions may address matters at issue in the following proceedings:

Docket Nos. RT04-1-000 and ER04-48-000, *Southwest Power Pool, Inc.;*

Docket No. ER04-434-000, *Southwest Power Pool, Inc.;*

Docket No. ER04-658-000, *Southwest Power Pool, Inc.*

The April 26, 2004 SPP Regional State Committee meeting is expected to begin at approximately 2 p.m. The meeting will take place at the Westin Hotel Oklahoma City, One North Broadway, Oklahoma City, OK 73102. The meeting is open to the public.

The April 27, 2004 SPP Board of Directors and SPP Members meetings are expected to begin at approximately 10 a.m. These meetings will take place at the Westin Hotel Oklahoma City, One North Broadway, Oklahoma City, OK 73102. These meetings are open to the public.

For more information, contact Tony Ingram, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission at (202) 502-8938 or [tony.ingram@ferc.gov](mailto:tony.ingram@ferc.gov).

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-974 Filed 4-30-04; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

**Records Governing Off-the Record Communications; Public Notice**

April 26, 2004.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or prohibited off-the-record communication relevant to the merit's of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are 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 (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](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866)208-3676, or for TTY, contact (202)502-8659.

*Prohibited:*

Docket number	Date filed	Presenter or requester
1. CP04-58-000.	4-22-04	Grieten Sebastien, et al. <sup>1</sup>

Docket number	Date filed	Presenter or requester
2. Project No. 2082-027.	4-22-04	Jeanne Riha.
3. Project No. 2574-032.	4-22-04	Ann Beverage.

<sup>1</sup> This communication is one among numerous form letters sent to the Commission by the Greenpeace, USA organization. Only representative samples of these prohibited non-decisional documents are posted in this docket on the Commission's eLibrary system <http://www.ferc.gov>.

*Exempt:*

Docket number	Date Filed	Presenter or Requester
1. Project Nos. 2576-022 and 2597-019.	4-16-04	Hon. Nancy L. Johnson.

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

[FR Doc. E4-976 Filed 4-30-04; 8:45 am]  
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## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Amistad and Falcon Projects Rate Order No. WAPA-111

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of order concerning a power rate formula.

**SUMMARY:** The Deputy Secretary of the Department of Energy (DOE) confirmed and approved Rate Order No. WAPA-111 placing a power rate formula for the Amistad and Falcon Projects of the Western Area Power Administration (Western) into effect on an interim basis. The provisional power rate formula will remain in effect on an interim basis until the Federal Energy Regulatory Commission (Commission) confirms, approves, and places it into effect on a final basis, or until the power rate formula is replaced by another power rate formula.

**DATES:** The provisional rate formula extension will be placed into effect on an interim basis on June 8, 2004, and will be in effect until the Commission confirms, approves, and places the provisional rate formula extension into effect on a final basis for a 5-year period ending June 7, 2009, or until superseded.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bradley S. Warren, CRSP Manager, Colorado River Storage Project Management Center, Western Area

Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606, (801) 524-5493, e-mail [warren@wapa.gov](mailto:warren@wapa.gov), or Ms. Carol Loftin, Rates Manager, Colorado River Storage Project Management Center, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606, telephone (801) 524-6380, e-mail [loftinc@wapa.gov](mailto:loftinc@wapa.gov).

**SUPPLEMENTARY INFORMATION:** The Amistad and Falcon Dams are features of international water storage projects located on the Rio Grande River between Texas and Mexico. Western markets the power from these dams under the terms of Contract No. 7-07-50-P0890 (Contract) dated August 9, 1977, and amended on April 10, 1986. The rate formula of that Contract was approved by the Federal Power Commission (FPC), predecessor to the Commission, for a 5-year period beginning with the date of initial operation of Amistad Power Plant, in Docket No. E-9566 on August 12, 1977. A 5-year rate extension approving this same rate formula through June 7, 1993, was ordered by the Commission on July 20, 1988, in 44 FERC 62,058. Subsequent 5-year renewals of the rate formula have been approved by the Commission. The most recent approval was on January 21, 2000, in Docket No. EF-99-5101-000, which approved the same power rate formula through June 7, 2004.

According to article 9(a) of the Contract, Western calculates the annual installment to be paid by the South Texas Electric Cooperative, Inc. (STEC), and the Medina Electric Cooperative, Inc. (MEC), for the power generated at the Amistad and Falcon power plants on or before August 31 of the year preceding the fiscal year to which it pertains. Each annual installment pays the annual amortized portion of the United States' investment in the Amistad and Falcon hydroelectric facilities with interest, and the associated operation, maintenance, and administrative costs. This repayment schedule is not dependent upon the power and energy made available for sale or the rate of generation each year. Western will continue to provide STEC/MEC with a revised Exhibit A by August 31 of each year using the same methodology.

By Delegation Order No. 00-037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the

Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Commission. Existing DOE procedures for public participation in power rate adjustments (10 CFR 903) were published on September 18, 1985 (50 FR 37835).

Pursuant to Delegation Order Nos. 00-037.00 and 00-001.00A, 10 CFR part 903, and 18 CFR part 300, I hereby confirm, approve, and place Rate Order No. WAPA-111 into effect on an interim basis. The extension of the rate formula will be promptly submitted to the Commission for confirmation and approval on a final basis.

Dated: April 20, 2004.

**Kyle E. McSlarrow,**  
*Deputy Secretary.*

#### Order Confirming, Approving, and Placing a Rate Formula Extension for Amistad and Falcon Projects Into Effect on an Interim Basis

The Western Area Power Administration (Western) developed this power rate formula under the Department of Energy Organization Act (42 U.S.C. 7152). This Act transferred the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat.388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Act of 1939, (43 U.S.C. 485h(c)), and other Acts specifically applicable to the Amistad Project and the Falcon Project, to the Secretary.

By Delegation Order No. 00-037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Commission. Existing DOE procedures for public participation in power rate adjustments (10 CFR 903) were published on September 18, 1985 (50 FR 37835).

#### Acronyms and Definitions

As used in this rate order, the following acronyms and definitions apply:

*Commission:* Federal Energy Regulatory Commission.

*Contract:* Contract No. 7-07-50-P0890 dated August 9, 1977, and amended on