

Mexico (PNM) submitted for filing with the Commission pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d (2000), a Third Revised Network Integration Transmission Service Agreement (NITSA) and Third Revised Network Operating Agreement (NOA) between PNM and Tri-State Generation and Transmission Association, Inc. (Tri-State) under PNM's Open Access Transmission Tariff. PNM states that the NITSA and NOA have been updated to reflect revised levels of operating reserves to be provided by Tri-State, and to reflect current business arrangements between PNM and Tri-State. PNM requests an effective date of October 1, 2004.

PNM states that a copy of the filing was served upon Tri-State, and informational copies were served upon the New Mexico Public Regulation Commission and the New Mexico Attorney General.

Comment Date: 5 p.m. Eastern Time on October 21, 2004.

17. Pacific Gas and Electric Company

[Docket No. ER04-1259-000]

Take notice that on September 29, 2004, Pacific Gas and Electric Company (PG&E) tendered for filing the Large Facilities Authorization Letter No. 3, the Small Facilities Authorization Letter No. 7, and the Other Facilities Authorization Letter, submitted pursuant to the procedures for implementation (Procedures) of section 3.3 of the 1987 Agreement between PG&E and the City and County of San Francisco (City). PG&E states that this is PG&E's sixth quarterly filing submitted pursuant to section 4 of the Procedures, which provides for the quarterly filing of Facilities Authorization Letters.

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

Comment Date: 5 p.m. Eastern Time on October 21, 2004.

18. Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C; Midwest Independent Transmission System Operator, Inc., et al.; Ameren Services Company, et al.; Midwest Independent Transmission System Operator, Inc., et al.

[Docket No. ER05-6-000, EL02-111-019, EL03-212-016, and EL04-135-000]

Take notice that on October 1, 2004, the Unified Plan Proponents, consisting of transmission owners, independent transmission companies, transmission-dependent utilities, municipal and cooperative entities, independent

generators, power marketers, retail customers, consumer advocates, and state commissions, jointly submitted for filing, in the above-captioned dockets, a long-term transmission rate design proposal, for the combined Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and PJM Interconnection, L.L.C. (PJM) region, and related Offer of Settlement, pursuant to *section 205 of the Federal Power Act*, 16 U.S.C. 824d, Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, and the Going-Forward Principles and Procedures approved by the Commission by Order dated March 19, 2004, in Midwest Independent Transmission System Operator, Inc., *et al.*, 106 FERC ¶ 61,262 (2004).

The Unified Plan Proponents propose to make their submittal effective as a single integrated package on December 1, 2004.

The Unified Plan Proponents also have requested waiver of the service requirements set forth in 18 CFR 385.2010. The Unified Plan Proponents have electronically served a copy of this filing, with attachments, upon the official LISTSERVE in Docket No. EL02-111-000, *et al.*, and all Midwest ISO and PJM members and posted it on the websites of Midwest ISO and PJM.

Also take notice that on October 1, 2004, Allegheny Power, Ameren Services Corporation, American Electric Power Service Corporation, Exelon Corporation, Illinois Power Company and LG&E Energy, L.L.C., jointly submitted for filing, in Docket Nos. EL02-111-019, EL03-212-016 and EL04-135-000, a long-term transmission pricing proposal. They state that copies of this filing were served on parties on the official service list in Docket Nos. EL02-111-000 and EL03-212-000.

Comment Date: 5 p.m. Eastern Time on October 15, 2004.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy

of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2035-039 Colorado]

City and County of Denver; Notice of Availability of Environmental Assessment

October 5, 2004.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's regulations (18 CFR part 380), Commission staff have reviewed an application for amendment of license for the Gross Reservoir Project, filed April 22, 2004, to: (1) Change the location of the project powerhouse and install two turbines with synchronous generators, (2) install approximately 580 feet of new penstock, (3) modify the alignment of the transmission lines, (4) construct a parking lot at the proposed powerhouse; and (5) increase project generation capacity. The project is located on South Boulder Creek, near the city of Boulder, in Boulder County, Colorado. The project occupies Federal lands managed by the U.S. Forest Service, Roosevelt National Forest, and the Bureau of Land Management.

In the EA, Commission staff has analyzed the probable environmental

effects of the proposed amendment and have concluded that approval of the proposal, with appropriate environmental measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a Commission order titled "Order Amending License," which was issued October 1, 2004, and is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "elibrary" link. Enter the docket number (prefaced by P-) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF04-16-000]

Empire State Pipeline; Notice of Environmental Review and Scoping for the Empire Connector Project and Request for Comments on Environmental Issues

October 4, 2004.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Empire State Pipeline's (Empire) proposed Empire Connector Project (project) in New York. The proposed facilities would consist of about 80 miles of 24-inch-diameter pipeline extending from Empire's existing pipeline in Victor, New York, to an interconnection with the Millennium Pipeline near Corning, New York; and about 22,000 horsepower (hp) of compression at a new compressor station on Empire's exiting pipeline in Oakfield, New York. The Commission will use this EA in its decision-making process to determine whether or not the project is in the public convenience and necessity.

The project is currently in the preliminary design stage. At this time no formal application has been filed with the FERC. For this project, the FERC staff is initiating its National Environmental Policy Act (NEPA) review prior to receiving the application. This will allow interested stakeholders to be involved early in project planning and to identify and resolve issues before an application is filed with the FERC. A docket number (PF04-16-000) has been established to place information filed by Empire and related documents issued by the Commission, into the public record.¹ Once a formal application is filed with the FERC, a new docket number will be established.

This notice is being sent to landowners along the various pipeline routes under consideration; Federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; and local libraries and newspapers.

With this notice, we² are asking these and other Federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies which would like to request cooperating status should follow the instructions for filing comments described in appendix 2 of this notice. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

Some affected landowners may be contacted by a project representative about the acquisition of an easement to construct, operate, and maintain the proposed pipeline. If so, the company should seek to negotiate a mutually acceptable agreement. In the event that the project is certificated by the Commission, that approval conveys the right of eminent domain for securing easements for the pipeline. Therefore, if easement negotiations fail to produce an agreement, the company could initiate condemnation proceedings in accordance with state law.

Summary of the Proposed Project

Empire proposes to construct and operate about 80 miles of 24-inch-

diameter natural gas pipeline and related facilities to deliver up to 250,000 dekatherms per day (Dth/d) of natural gas from TransCanada Pipelines, Ltd. to the Millennium Pipeline. The pipeline would be constructed in Ontario, Yates, Schuyler, and Chemung Counties, New York. Empire would construct the new 22,000 hp compressor station on its existing pipeline in Genesee County, New York.

At this time, KeySpan Gas East Corporation (KeySpan) has executed a precedent agreement for 150,000 Dth/d of the proposed transportation capacity on Empire's system. KeySpan has requested that the proposed facilities be available to provide the requested service by November 1, 2006. Therefore, Empire plans to file its certificate application in March 2005 and states that it would need to receive authority for the project by January 2006 in order to meet the requested in-service date.

A map depicting the preliminary pipeline route is provided in appendix 1.³

Land Requirements

Construction of the proposed facilities would require a total of about 900 acres of land. Typically, pipeline construction would occur within a nominal 75-foot-wide right-of-way. This width would be reduced in forested areas to 65 feet and would be increased up to 100 feet in agricultural areas where segregated topsoil would be stored and in areas with rugged terrain which would require additional right-of-way width for tiered construction or for extra workspace for spoil storage or safety. The pipeline construction right-of-way would require about 815 acres of land plus about 5 acres of land for additional temporary workspaces at road, railroad, waterbody and wetland crossings for staging the crossing of these features. About 20 acres would be required for construction of the compressor station and other aboveground facilities. Empire anticipates needing to use about 15 miles of access roads during construction, affecting about 30 acres of land. Most of these roads would be existing roads, but they may be widened and/or lengthened and some may be new roads. Also, Empire would need about 30 acres for use as contractor or pipe yards.

¹ To view information in the docket, follow the instructions for using the eLibrary link at the end of this notice.

² "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects.

³ The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Internet Web site (<http://www.ferc.gov>). Copies are available on the Commission's Internet Web site (<http://www.ferc.gov>) at the "eLibrary" link or from the Commission's Public Reference and Files Maintenance Branch at (202) 502-8371. For instructions on connecting to eLibrary refer to the last page of this notice.