

§§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of the petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the EMMT application to export electric energy to Canada should be clearly marked with Docket EA-153-B. Additional copies are to be filed directly with Joseph C. Bell, Jolanta Sterbenz, Geo F. Hobday, Jr., Hogan & Hartson, L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004-1109 and Robert F. Viola, Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110-1776, Karen A. Bell, Assistant Counsel, Edison Mission Marketing & Trading, Inc., 160 Federal Street, Boston, Massachusetts 02110-1776.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on December 7, 2004.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Fossil Energy.

[FR Doc. 04-27256 Filed 12-10-04; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL05-5-000]

Inquiry Regarding Income Tax Allowances; Request for Comments; Notice of Extension of Time

December 9, 2004.

On December 8, 2004, the Association of Oil Pipe Lines (AOPL), Interstate Natural Gas Association of America (INGAA), and Edison Electric Institute (EEI) (together, Movants) filed a motion for an extension of time to file comments in response to the Commission's Request For Comments issued December 2, 2004, in the above-docketed proceeding. Movants state that an extension is necessary because the current deadline for filing comments, December 22, 2004, falls during the holiday season and it is difficult to assemble the resources required to respond to the significant and complex

policy issues addressed in the Request For Comments. The Movants further state that interested parties outside the regulated industries who may not yet be aware of the Commission's inquiry would also benefit from additional time to comment.

Upon consideration, notice is hereby given that an extension of time to file comments on the December 2 Request For Comments is granted to and including January 21, 2005, as requested by Movants.

Magalie R. Salas,

Secretary.

[FR Doc. 04-27376 Filed 12-10-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER03-563-045 and EL04-102-005]

Devon Power LLC; Notice Of Compliance Filing

December 3, 2004.

Take notice that on November 29, 2004, Devon Power, LLC submitted a report updating progress made in the siting within the New England control area, with particular emphasis on progress within Designated Congested Areas for ISO New England Inc., in compliance with the Commission's order issued June 2, 2004, 107 FERC ¶ 61,240 (2004).

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, 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 the parties in 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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on December 20, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4-3600 Filed 12-10-04; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-51-000]

Quiet Light Trading, LLC; Notice Of Issuance Of Order

December 6, 2004.

Quiet Light Trading, LLC (QLT) filed an application for market-based rate authority, with an accompanying tariff. The proposed rate tariff provides for wholesale sales of energy and capacity at market-based rates. QLT also requested waiver of various Commission regulations. In particular, QLT requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by QLT.

On December 2, 2004, the Commission granted the request for blanket approval under part 34, subject to the following:

[A]ny person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by QLT 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, 385.214 (2004). Quiet Light Trading, LLC, 109 FERC ¶ 61, 251 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest, is January 3, 2005.

Absent a request to be heard in opposition by the deadline above, QLT is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise

in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of QLT, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of QLT's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also 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 filed to access the document. 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. The Commission strongly encourages electronic filings.

Magalie R. Salas,
Secretary.

[FR Doc. E4-3599 Filed 12-10-04; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL05-5-000]

Inquiry Regarding Income Tax Allowances; Request for Comments

December 2, 2004.

1. On July 20, 2004, the Court of Appeals for the District of Columbia Circuit issued an opinion in *BP West Coast Producers, LLC v. FERC*.¹ In reviewing a series of orders involving SFPP, L.P.,² the court held, among other things, that the Commission had not adequately justified its policy of providing an oil pipeline limited partnership with an income tax allowance equal to the proportion of its limited partnership interests owned by corporate partners. In that case, SFPP,

Inc., the corporate partner owned some 42.7 percent of SFPP, L.P.'s limited partnership interests. Thus, under the Commission's ruling in the Opinion No. 435 orders, SFPP, L.P. was permitted an income tax allowance for 42.7 percent of the net operating (pre-tax) income expected from operations. Pursuant to the so-called Lakehead income tax allowance doctrine,³ SFPP, L.P. was denied an income tax allowance equal to the 57.3 percent of its limited partnership interests that were held by non-corporate partners. The rationales for this doctrine the court rejected include: (1) The double taxation of corporate earnings, (2) the equalization of returns between different types of publicly held interests,⁴ and (3) encouraging capital formation and investment.

2. The Commission is seeking comments on whether the court's ruling applies only to the specific facts of the SFPP, L.P. proceeding,⁵ or also extends to other capital structures involving partnership and other forms of ownerships. For example, should the court's reasoning apply to partnerships in which: (1) All the partnership interests are owned by investors without intermediary levels of ownership; (2) the only intermediary ownership is a general partnership; (3) all the partnership interests are owned by corporations; and (4) the corporate ownership of the partnership interests is minimal, such as a 1 percent general partnership interest of a master limited partnership? If the court's decision precludes an income tax allowance for a partnership or other ownership interests under any of these situations, will this result in insufficient incentives for investment in energy infrastructure? Or will generally the same amount of investment occur through other ownership arrangements? Are there other methods of providing an opportunity to earn an adequate return that are not dependent on the tax implications of a particular capital structure?

3. The Commission invites interested persons to submit comments on the issues and specific questions identified in this notice. Comments are due by December 22, 2004. Comments must refer to Docket No. PL05-5-000.

¹ *BP West Coast Producers, LLC v. FERC*, 374 F.3d 1263 (BP West Coast), *reh'g denied*, 2004 U.S. App. LEXIS 20976-98 (2004).

² *Opinion No. 435* (86 FERC ¶ 61,022 (1999)), *Opinion No. 435-A* (91 FERC ¶ 61,135 (2000)), *Opinion No. 435-B* (96 FERC ¶ 61,281 (2000)), and an *Order on Clarification and Rehearing* (97 FERC ¶ 61,138 (2001)) (collectively the Opinion No. 435 orders.)

³ *Lakehead Pipe Line Company, L.P.*, 71 FERC ¶ 61,388 (1995), *reh'g denied*, 75 FERC ¶ 61,181 (1998) (*Lakehead*).

⁴ These were the stock of the corporate partner (which involves two layers of taxation of SFPP, L.P. earnings) and the limited partnership interests (which involve only one).

⁵ Now pending before the Commission on remand and rehearing in Docket Nos. OR92-8-000, *et al.*, and OR96-2-000, *et al.*, respectively.

By direction of the Commission.

Magalie R. Salas,
Secretary.

[FR Doc. 04-27375 Filed 12-10-04; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG05-19-000, *et al.*]

Texas Genco, L.P., *et al.*; Electric Rate and Corporate Filings

November 3, 2004.

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

1. Texas Genco, LP

[Docket No. EG05-19-000]

Take notice that on October 28, 2004, Texas Genco, LP (Genco) tendered for filing an application for a determination of exempt wholesale generator status, pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended (PUHCA), 15 U.S.C. 79z-5a(a)(1) (2000), and subchapter T, part 365 of the regulations of the Federal Energy Regulatory Commission 18 CFR part 365 (2004).

Genco states that it is a limited partnership organized and existing under the laws of the State of Texas that will continue to own an interest in an electric generating facility with an aggregate maximum capacity of approximately 2,500 megawatts located in Texas. Genco states that it is and will continue to be engaged directly, or indirectly through one or more affiliates as defined in section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning eligible facilities, and selling electric energy at wholesale.

Comment Date: 5 p.m. eastern time on November 18, 2004.

2. TransCanada Hydro Northeast Inc.

[Docket No. EG05-20-000]

On October 29, 2004, TransCanada Hydro Northeast Inc. (TC Hydro NE), a Delaware corporation with its principal place of business in Westborough, Massachusetts, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

TC Hydro NE states it will operate hydroelectric assets with a total generating capacity of approximately 560 MW located in Massachusetts, New