

rehearing but, on June 4, 2004, sought reconsideration of the letter, asking the Commission to vacate the letter on the ground that certification was not required. By order issued November 23, 2004, 109 FERC ¶ 61,210 (2004), the Commission denied reconsideration as to the need for certification but granted Augusta's request for an extension of time to obtain it.

On December 23, 2004, Augusta sought rehearing of the Commission's order. The order on reconsideration, which allowed the staff letter to remain effective, did not create a right to rehearing that had not been created by issuance of the staff letter itself. To the extent that Augusta was aggrieved by the staff letter, a request for rehearing of the letter would have been the appropriate remedy. As Augusta did not seek rehearing of the staff letter, a request for rehearing of the order on reconsideration is effectively an impermissibly late-filed request for rehearing of the letter. Accordingly, Augusta's December 23, 2004, request for rehearing in this proceeding does not lie and is dismissed.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E5-546 Filed 2-9-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Non-Project Use of Project Lands and Soliciting Comments, Motions To Intervene, and Protests

February 3, 2005.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No:* 1490-039.

c. *Date Filed:* November 24, 2004.

d. *Applicant:* Brazos River Authority.

e. *Name of Project:* Morris Sheppard Project.

f. *Location:* The project is located on the Possum Kingdom Reservoir on the Brazos River in Palo Pinto County, Texas. This project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) 825(r) and 799 and 801.

h. *Applicant Contact:* Mr. Phillip J. Ford, General Manager/CEO, Brazos River Authority, 4600 Cobbs Drive, PO

Box 7555, Waco, TX, 76714-7555, (254) 761-3100.

i. *FERC Contacts:* Any questions on this notice should be addressed to Mrs. Jean Potvin at (202) 502-8928, or e-mail address: [jean.potvin@ferc.gov](mailto:jean.potvin@ferc.gov).

j. *Deadline for filing comments and or motions:* February 22, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-1490-039) on any comments or motions filed. 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 e-filings.

k. *Description of Request:* On January 7, 2005, Commission staff issued Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene and Protests Project No. 1490-038 & 039 which was stated that Brazos River Authority (Authority) was seeking Commission approval to permit the existing 120 slip facility and the addition of 76 boat slips at the Hill Country Harbor Marina (P-1490-039). The application in fact seeks approval for the addition of 182 boat slips.

l. *Location of the Application:* The filing is available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, 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 (866) 208-3676 or TTY, contact (202) 502-8659.

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

n. 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.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. 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 an 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.

q. 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 at <http://www.ferc.gov> under the "e-Filing" link.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E5-548 Filed 2-9-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP96-383-063]

#### Dominion Transmission, Inc.; Notice of Negotiated Rate

February 3, 2005.

Take notice that on January 31, 2005, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to become effective February 1, 2005:

Eleventh Revised Sheet No. 1300 and Sixth Revised Sheet No. 1400

DTI states that the purpose of this filing is to extend a previously approved negotiated rate agreement between Sithe Energy Marketing, LP and DTI.

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