

the eLibrary link. Enter the docket number excluding the last three digits in the docket number field 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. E5-671 Filed 2-17-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12178-000]

#### Verdant Power LLC; Notice of Declaration of Intent and Petition for Relief Filing and Soliciting Comments

February 11, 2005.

Take notice that the following declaration of intent and petition for relief from the requirements of hydropower licensing has been filed with the Commission and is available for public inspection.

a. *Type of Filing:* Declaration of intent and petition for relief.

b. *Project No.:* 12178-000.

c. *Date Filed:* February 2, 2005.

d. *Applicant:* Verdant Power LLC.

e. *Name of Project:* Roosevelt Island Tidal Energy Study Project.

f. *Location:* In the East channel of the East River, in New York City, New York. The project would not occupy Federal lands.

g. *Filed Pursuant to:* 18 Code of Federal Regulations part 24, section 24.1.

h. *Applicant Contact:* Mr. Ronald F. Smith, Chairman and Chief Operating Officer, 4640 13th Street, Arlington, VA 22207 (703) 528-6445.

i. *FERC Contact:* Tom Dean at (202) 502-6041, [thomas.dean@ferc.gov](mailto:thomas.dean@ferc.gov).

j. *Deadline for filing comments:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Documents may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "eFiling" link.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* Verdant intends to deploy, for study purposes, a temporary (18-month), underwater kinetic hydropower array that would be located near New York City in the East River. The experimental project would consist of: (1) Six turbines consisting of: (a) A 5-meter-diameter, 3-bladed rotor mounted on; (b) a 30-inch-diameter, 7-foot-long nacelle or enclosed shelter mounted to; (c) a 9-foot-long vertical pylon that contains a yaw bearing mounted on top of; (d) a 24-inch-diameter, 5 or 6-foot-high pile extending above the river bottom; (2) six generating units with a combined capacity of up to 200 kW; (3) an underwater power cable leading to a control room and connected via a generator controller and protective relay to two customer-side 480-volt service meters; and (4) appurtenant facilities.

l. *Petition for Declaratory Intent:* Verdant Power asked that it be allowed to install and operate the facilities listed above, and to deliver power from the project into the facilities of Consolidated Edison New York, for a test period of 18 months, without a license under Part I of the Federal Power Act. The 18-month deployment would provide information about project operation and identify potential effects on environment resources in the East River as part of Verdant Power's effort in preparing a license application for a fully-developed project. Such a project would consist of a series of "free-flowing" bi-directional submersible turbines totaling between 5 and 10 MW that would convert mechanical power from the tidal currents of the East River into electrical power without constructing a dam, reservoir, penstock, or powerhouse.

m. A copy of the application 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, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY,

(202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support. To view upcoming FERC events, go to <http://www.ferc.gov> and click on "View Entire Calendar".

**Magalie R. Salas,**  
Secretary.

[FR Doc. E5-676 Filed 2-17-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC05-43-000, et al.]

#### Exelon Corporation, et al.; Electric Rate and Corporate Filings

February 10, 2005.

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

##### 1. Exelon Corporation Public Service Enterprise Group Incorporated

[Docket No. EC05-43-000]

Take notice that on February 4, 2005, as supplemented on February 9, 2005, Exelon Corporation and its subsidiaries that are electric utilities subject to the Commission's jurisdiction (collectively, Exelon) and Public Service Enterprise Group Incorporated and its subsidiaries that are electric utilities subject to the Commission's jurisdiction (collectively, PSEG) submitted a filing pursuant to section 203 of the Federal Power Act and part 33 of the Commission's Regulations requesting that the Commission approve a transaction that includes: (1) Exelon's acquisition of PSEG and the resulting indirect merger of Exelon's and PSEG's regulated public utilities; and (2) the consolidation of Exelon's and PSEG's unregulated generation companies and corporate restructuring of the subsidiaries of their unregulated generation companies.

*Comment Date:* 5 p.m. eastern time on April 11, 2005.

##### 2. TPF Chesapeake, LLC, TM Delmarva Power LLC, Commonwealth Chesapeake Company, LLC

[Docket No. EC05-44-000]

Take notice that on February 7, 2005, TPF Chesapeake, LLC (TPF), TM Delmarva Power LLC (TMDP), and

Commonwealth Chesapeake Company, LLC (CCC) (collectively, Applicants) tendered for filing with the Commission pursuant to section 203 of the Federal Power Act and part 33 of the Commission's regulations, an application authorizing TPF to purchase all of the membership interests in CCC from TMDP and subsequent reorganization of the upstream ownership of CCC to facilitate the upstream addition of new passive, limited partners.

Applicants state that CCC is a 315 MW simple-cycle, oil-fired electric generating facility located in New Church, Virginia. Applicants request confidential treatment of certain parts of Exhibit I.

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

### 3. USGen New England, Inc., Bear Swamp Power Company LLC, Great Lakes Hydro America, LLC

[Docket No. EC05-45-000]

Take notice that on February 8, 2005, USGen New England, Inc. (USGenNE), Bear Swamp Power Company LLC (BSPC) and Great Lakes Hydro America, LLC (GLHA) (collectively referred to herein as the Applicants) submitted an application pursuant to section 203 of the Federal Power Act (FPA) requesting authorization of the transfer of USGenNE's operational interests and the sale of the interests owned by Bear Swamp Generating Trust No. 1 LLC and Bear Swamp Generating Trust No. 2 LLC (Sale) to BSPC of the jurisdictional facilities associated with the 589 MW Bear Swamp Pumped Storage Project located on the Deerfield River in northern Massachusetts (Bear Swamp Facility) and the nearby 10 MW Fife Brook Hydroelectric Project, a run-of-river hydroelectric facility (collectively, the Facilities). Applicants state that in the unlikely event that BSPC does not have the legal authority to sell power for resale at market-based rates pursuant to FPA section 205 (MBR Authorization) by the effective date of a proposed interim operating arrangement, the Applicants also request authorization of the temporary transfer of control of the Facilities for purposes of compliance with Parts II and III of the FPA to GLHA until BSPC obtains MBR Authorization.

Applicants further state that the jurisdictional facilities involved in the Sale include transmission lines and related facilities necessary to interconnect the Facilities to the integrated transmission grid, including substation and switching station equipment, miscellaneous power plant equipment, and related accounts, books, and records.

*Comment Date:* 5 p.m. eastern time on March 1, 2005.

### 4. El Paso Electric Company

[Docket No. EL02-113-008]

Take notice that on February 2, 2005, El Paso Electric Company (EPE) submitted a compliance filing pursuant to the Commission's Letter Order issued October 23, 2003, in Docket No. EL02-113-002, 105 FERC ¶ 61,107.

EPE states that copies of the filing were served on parties on the official service list.

*Comment Date:* 5 p.m. eastern time on February 23, 2005.

### 5. TECO EnergySource, Inc., Panda Gila River, L.P., TECO-PANDA Generating Co., L.P., TPS Dell, LLC, TPS McAdams, LLC, Union Power Partners, L.P., Commonwealth Chesapeake Company, L.L.C.

[Docket Nos. ER96-1563-020, ER01-931-007, ER02-1000-004, ER02-510-003, ER02-507-003, ER01-930-007, and ER99-415-006]

Take notice that on June 25, 2004, TECO EnergySource, Inc., Panda Gila River, L.P., TECO-PANDA Generating Co., L.P., TPS Dell, LLC, TPS McAdams, LLC, Union Power Partners, L.P., and Commonwealth Chesapeake Company, L.L.C. (collectively, the Companies) submitted for filing a non-material change in status with regard to the market-based rate authorizations of the Companies. Companies state that, in conjunction with the May 4, 2004, application under section 203 of the Federal Power Act, the Companies are undergoing an internal reorganization of TECO Energy, an exempt public utility holding company.

*Comment Date:* 5 p.m. eastern time on February 18, 2005.

### 6. New York State Electric & Gas Corporation

[Docket No. ER99-221-008]

Take notice that on February 3, 2005, New York State Electric & Gas Corporation (NYSEG) filed a notification of change in status to reflect a departure from the characteristics that the Commission relied upon in granting NYSEG market-based rate authority in the Commission's order issued December 14, 1998, in Docket Nos. ER99-220-000 and ER99-221-000, FERC ¶ 61,342 (1998).

*Comment Date:* 5 p.m. eastern time on February 24, 2005.

### 7. Illinois Power Company

[Docket No. ER05-173-002]

Take notice that on February 4, 2005, Illinois Power Company d/b/a AmerenIP (AmerenIP) tendered for

filing an amendment to its December 30, 2004, filing in Docket No. ER05-173-001 to include in the proposed tariff an express prohibition on AmerenIP making sales under the tariff to any affiliate. AmerenIP requests an effective date of January 1, 2005.

*Comment Date:* 5 p.m. eastern time on February 25, 2005.

### 8. Georgia Energy Cooperative

[Docket No. ER05-349-001]

Take notice that on February 3, 2005, Georgia Energy Cooperative (GEC) submitted for filing additional information to its petition for acceptance of initial rate schedule, waivers and blanket authority filed on December 16, 2004, in Docket No. ER05-349-000.

*Comment Date:* 5 p.m. eastern time on February 18, 2005.

### 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 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](mailto:FERCOnlineSupport@ferc.gov), or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Linda L. Mitry,**  
Deputy Secretary.

[FR Doc. E5-659 Filed 2-17-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC05-46-000, et al.]

#### **CEMEX, Inc., et al.; Electric Rate and Corporate Filings**

February 11, 2005.

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

##### **1. CEMEX, Inc., CEMEX Central Plains Cement LLC, Votorantim Participacoes S.A.**

[Docket No. EC05-46-000]

Take notice that on February 9, 2005, CEMEX, Inc. and CEMEX Central Plains Cement LLC (collectively, CEMEX) and Votorantim Participacoes S.A. (Votorantim) filed with the Commission an application pursuant to section 203 of the Federal Power Act seeking authorization for CEMEX to transfer to Votorantim the rights to lease a cogeneration facility located in Dixon, Illinois consisting of six generators rated at 2,290 KW each and appurtenant interconnection facilities. CEMEX states that the transaction will have no adverse effect on competition, rates or regulation.

*Comment Date:* 5 p.m. eastern time on March 2, 2005.

##### **2. Oklahoma Gas and Electric Company, OGE Energy Resources, Inc.**

[Docket Nos. ER98-511-003 and ER97-4345-015]

Take notice that on February 7, 2005, Oklahoma Gas and Electric Company and OGE Energy Resources, Inc. submitted an updated market power analysis.

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

##### **3. Tucson Electric Power Company**

[Docket No. ER98-1150-003]

Take notice that on February 7, 2005, Tucson Electric Power Company tendered for filing an updated market power analysis in compliance with the Commission's order in *Acadia Power Partners, L.L.C.*, 107 FERC ¶ 61,168 (2004).

Tucson Electric states that copies of the filing were served on parties on the official service lists in the above-captioned proceeding.

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

##### **4. Portland General Electric Company**

[Docket No. ER98-1643-007]

Take notice that on February 7, 2005, Portland General Electric Company (PGE) filed with the Commission an updated generation market power analysis in accordance with *AEP Power Marketing, Inc., et al.*, 107 FERC ¶ 61,018, *order on reh'g*, 108 FERC ¶ 61,026 (2004) and *Acadia Power Partners, LLC et al.*, 107 FERC ¶ 61,168 (2004). PGE states that the PGE submission includes an updated market power study showing that PGE continues to satisfy the Commission's requirements for market rate authority.

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

##### **5. FirstEnergy Operating Companies, FirstEnergy Solutions Corp., FirstEnergy Generation Corporation, Jersey Central Power & Light Company, Metropolitan Edison Company, et al.**

[Docket Nos. ER01-1403-002, ER01-2968-002, ER01-845-002, ER04-366-002, and ER04-372-002]

Take notice that on February 7, 2005, FirstEnergy Service Company tendered for filing an updated generation market power analysis prepared in accordance with the guidelines adopted by the Commission in *AEP Power Marketing, Inc.*, 107 FERC ¶ 61,018 (2004).

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

##### **6. PSEG Lawrenceburg Energy Company LLC, PSEG Waterford Energy LLC**

[Docket Nos. ER01-2460-003 and ER01-2482-003]

Take notice that on February 7, 2005, PSEG Lawrenceburg Energy Company LLC (PSEG Lawrenceburg) and PSEG Waterford Energy LLC (PSEG Waterford) (collectively, the Applicants) jointly submitted an updated market power analysis and updated tariff sheets in response to the Commission's November 16, 2004, letter finding that the Applicants' August 27, 2004, updated market power report was deficient due to the October 1, 2004, AEP-East integration into PJM Interconnection LLC Regional Transmission Organization.

Applicants state that copies of the filing were served on parties on the official service list in the above captioned proceeding.

*Comment Date:* 5 p.m. eastern time on February 28, 2005.

##### **7. Armstrong Energy Limited Partnership, L.L.P., Dominion Nuclear Marketing III, L.L.C., Elwood Energy LLC, Kincaid Generation, L.L.C., State Line Energy, L.L.C., Virginia Electric and Power Company**

[Docket Nos. ER02-24-005, ER00-3746-006, ER99-1695-005, ER99-1432-006, ER96-2869-008, ER00-1737-006]

Take notice that on February 4, 2005, Dominion Resources Services, Inc. on behalf of Armstrong Energy Limited Partnership, L.L.P., Dominion Nuclear Marketing III, L.L.C., Elwood Energy LLC, Kincaid Generation, L.L.C., State Line Energy, L.L.C., and Virginia Electric and Power Company submitted its amended response to the Commission's order issued May 13, 2004, implementing new generation market power analysis and mitigation procedures.

*Comment Date:* 5 p.m. eastern time on February 25, 2005.

##### **8. Allegheny Power**

[Docket No. ER03-453-002]

Take notice that on February 4, 2005, Allegheny Power submitted a refund report in compliance with the Commission's letter order accepting uncontested settlement issued July 23, 2003, in Docket No. ER03-453-000, 104 FERC ¶ 61,101 (2003).

Allegheny Power states that a copy of this letter will be sent to FirstEnergy Companies, the Pennsylvania Public Utility Commission and all persons listed on the official service list compiled by the Secretary for this docket.

*Comment Date:* 5 p.m. eastern time on February 25, 2005.

##### **9. New York Independent System Operator, Inc. and New York Transmission Owners**

[Docket No. ER04-449-005]

Take notice that on February 7, 2005, the New York Independent System Operator, Inc. (NYISO), Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York Power Authority, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc., and Rochester Gas & Electric Corporation (collectively, Joint Rehearing Parties) submitted a compliance filing pursuant to the Commission's order issued August 6, 2004, in Docket Nos. ER04-449-000, 001 and 002, 108 FERC ¶ 61,159.

The NYISO states that it has served a copy of this filing on all parties on the