

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 in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

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.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 459-143, Docket No. EL05-73-003]

Duncan's Point Lot Owners Association, Inc.; Duncan's Point Homeowners Association, Inc.; and Nancy A. Brunson, Juanita Brackens, Helen Davis, and Pearl Hankins, Individually v. Union Electric Company d/b/a AmerenUE; Notice Dismissing Complaint as Premature

November 28, 2005.

On November 14, 2005, Duncan's Point Lot Owners Association, Inc., Duncan's Point Homeowners Association, Inc., Nancy A. Brunson,

Juanita Brackens, Helen Davis, and Pearl Hankins (Complainants) filed what they termed a formal complaint against Union Electric Company, doing business as AmerenUE, licensee of the Osage Hydroelectric Project No. 459. The project is located on the Lake of the Ozarks in Missouri. Complainants allege that the licensee has failed or refused to comply with the Commission staff's letter order of September 7, 2004, and the Commission's order of May 9, 2005 (111 FERC ¶ 61,190). In support, they raise issues concerning the licensee's compliance filing of October 14, 2005, and Commission staff's site visit report of July 29, 2005.

On September 15, 2005, the Commission denied Complainants' request for rehearing of the Commission's May 9 order. *See* 112 FERC ¶ 61,289. Therefore, the issues resolved in that decision are final and may not be the subject of a new complaint. On September 1, 2005, Commission staff issued a letter order concerning some outstanding compliance issues concerning the project. On September 30, 2005, Complainants filed a request for rehearing of staff's September 1 letter order.

The issues raised in Complainants filing of November 14, 2005, either relate to an ongoing compliance proceeding for which Commission staff has not yet completed its determinations, or are the subject of Complainants' request for rehearing of staff's letter order of September 1, 2005.¹ As such, they are not yet final and are not properly the subject of a formal complaint. Accordingly, the complaint is dismissed as premature. Complainants will have an opportunity to seek further relief after the pending staff and Commission actions have been completed.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL06-20-000]

Wisconsin Public Service Corporation, Upper Peninsula Power Company, WPS Energy Services, Inc., WPS Power Development, L.L.C. Complainants v. Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C. Respondents; Notice of Complaint

November 29, 2005.

Take notice that on November 23, 2005, Wisconsin Public Service Corporation, Upper Peninsula Power Company, WPS Energy Services, Inc. and WPS Power Development, L.L.C. (collectively, WPS Companies) filed a formal complaint against the Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C. (RTOs) pursuant to section 206 of the Federal Power Act and 18 CFR 385.206, alleging that the RTOs' October 31, 2005, compliance filing in Docket Nos. ER04-375-017 and 018 fails to satisfy the Commission's directives to form a comprehensive Joint and Common Market.

The WPS Companies certify that copies of the complaint were served on the contacts for the Midwest Independent Transmission System Operator, Inc. and PJM Interconnection, L.L.C.

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.

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¹ To the extent that Complainants seek to raise issues regarding the conduct of the Commission or its staff, these matters are outside the scope of the Commission's complaint process. *See* 18 CFR 385.206(a).