

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP06-113-000]

**Texas Eastern Transmission, LP; Notice of Proposed Changes in FERC Gas Tariff**

December 2, 2005.

Take notice that on November 30, 2005, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, Second Revised Sheet No. 528 proposed to be effective January 1, 2006.

Texas Eastern states that it is making this filing to remove the five-year term matching cap from the ROFR bidding process in its tariff.

Texas Eastern states that copies of its filing have been mailed to all affected customers and interested state commissions.

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 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 email 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.

Magalie R. Salas,  
Secretary.

[FR Doc. E5-7149 Filed 12-8-05; 8:45 am]

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP02-132-010]

**Viking Gas Transmission Company; Notice of Compliance Filing**

December 2, 2005.

Take notice that on November 29, 2005, Viking Gas Transmission Company (Viking) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Twelfth Revised Sheet No. 5, to become effective on January 1, 2006.

Viking states that the purpose of this filing is to include the above-referenced tariff sheet which was inadvertently omitted from its compliance filing submitted on November 17, 2005 in Docket No. RP02-132-009.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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Magalie R. Salas,  
Secretary.

[FR Doc. E5-7144 Filed 12-8-05; 8:45 am]

BILLING CODE 6717-01-P

**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**

December 1, 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 Commission staff's site visit report of July 29, 2005, and the licensee's compliance filing of October 14, 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.<sup>1</sup> 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.*

[FR Doc. E5-7093 Filed 12-8-05; 8:45 am]  
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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EC06-29-000, et al.]

#### Consolidated Edison Company of New York, et al.; Electric Rate and Corporate Filings

December 1, 2005.

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

##### 1. Consolidated Edison Company of New York

[Docket No. EC06-29-000]

Take notice that on November 21, 2005, Consolidated Edison Company of New York (ConEdison) pursuant to section 203 of the Federal Power Act submitted an application authorizing the purchase, acquire or take unsecured evidences of indebtedness of its affiliate Orange and Rockland Utilities, Inc., maturing not more than twelve months after their date of issue up to an amount not in excess of \$200 million at any one time outstanding.

Comment Date: 5 p.m. eastern time on December 15, 2005.

##### 2. FPL Energy Horse Hollow Wind II, LP

[Docket No. EG06-10-000]

Take notice that on November 18, 2005, FPL Energy Horse Hollow Wind II, LP (FPLE Horse Hollow II), 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.

FPLE Horse Hollow II states it will own a wind-powered generating facility of up to 522.5 MW located in Taylor County, Texas.

FPLE Horse Hollow II further states that copies of this application have been served on the Securities and Exchange Commission, Florida Public Service Commission, and the Public Utility Commission of Texas.

Comment Date: 5 p.m. eastern time on December 9, 2005.

##### 3. Newmont Nevada Energy Investment LLC

[Docket No. EG06-12-000]

Take notice that on November 22, 2005, Newmont Nevada Energy Investment LLC (NNEI) tendered for filing an application for a determination that it is an exempt wholesale generator.

NNEI states that it plans to construct and contract for the operation of a new electric power plant in northern Nevada. NNEI states that the facility will be located north of Dunphy, Nevada in Eureka County and will include a coal-fired generator with a nominal capacity of approximately 200 MW.

Comment Date: 5 p.m. eastern time on January 10, 2006.

##### 4. Cogentrix of Rocky Mount, Inc.

[Docket No. QF89-184-003]

Take notice that on November 18, 2005, Cogentrix of Rocky Mount, Inc., on behalf of itself and a direct or indirect subsidiary that has not yet been created, submitted an application for Commission recertification of its existing cogeneration facility as a qualifying facility pursuant to section 292.707(b) of the Commission regulations.

Comment Date: 5 p.m. eastern time on December 9, 2005.

##### 5. Cogentrix of Richmond, Inc. (Unit I)

[Docket No. QF90-81-005]

Take notice that on November 18, 2005, Cogentrix of Richmond, Inc. on behalf of itself and a direct or indirect subsidiary that has not yet been created, submitted an application for Commission recertification of its existing cogeneration facility (Unit I) as a qualifying facility pursuant to section 292.207(b) of the Commission's regulations.

Comment Date: 5 p.m. eastern time on December 9, 2005.

##### 6. Cogentrix of Richmond, Inc. (Unit II)

[Docket No. QF98-38-002]

Take notice that on November 18, 2005, Cogentrix of Richmond, Inc. on behalf of itself and a direct or indirect

subsidiary that has not yet been created, submitted an application for Commission recertification of its existing cogeneration facility (Unit II) as a qualifying facility pursuant to section 292.207(b) of the Commission regulations.

Comment Date: 5 p.m. eastern time on December 9, 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, 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. On or before the comment date, it is not necessary to 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.

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**Magalie R. Salas,**  
*Secretary.*

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<sup>1</sup> 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).