

services if the ancillary service capacity bid cap is below this opportunity cost.

32. Given these concerns, we will address the issue of the appropriate level of the CAISO ancillary service capacity bid cap in the section 206 investigation instituted in this proceeding. We recognize the interest of entities regarding this issue, therefore, the Commission invites interested persons to submit comments on the appropriate level of the CAISO's ancillary service capacity bid cap within 10 days from the date of issuance of this order. As discussed above, we find that the refund effective date, pursuant to section 206(b) of the FPA, as amended by section 1285 of the Energy Policy Act of 2005, is the date on which this order is published in the **Federal Register**.

#### **Effective Date**

33. We note that in its answer, the CAISO states that it has not implemented Amendment No. 73 and it does not intend to make the \$400/MWh bid cap effective until approved by the Commission. In fact, the CAISO asserts that it made repeated statements in its transmittal letter and market notice that it requested the amendment be made effective on January 1, 2006 or as soon thereafter as possible. As noted above, the Commission accepts the CAISO's proposal, as modified, effective as of the date of this order.

#### **The Commission Orders**

(A) The Commission accepts and modifies the CAISO's proposal to adjust its bid cap for real-time energy bids and adjustment bids to \$400/MWh, as discussed within the body of the order, effective upon issuance of this order.

(B) Pursuant to the authority conferred upon the Commission by the FPA, particularly section 206 thereof, the Commission institutes an investigation into the price cap in the WECC outside the CAISO and the ancillary service capacity bid cap in the CAISO, as discussed in the body of this order. Entities may submit comments regarding these issues within 10 days from the date of issuance of this order.

(C) The refund effective date established pursuant to section 206(b) of the FPA, as amended by section 1285 of the Energy Policy Act of 2005, as discussed in the body of this order, is the date upon which this order is published in the **Federal Register**.

By the Commission.

**Magalie R. Salas,**

Secretary.

[FR Doc. 06-1090 Filed 2-3-06; 8:45 am]

BILLING CODE 6717-01-P

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Docket Nos. EC06-68-000, et al.]**

### **Morgan Stanley, et al. Electric Rate and Corporate Filings**

January 30, 2006.

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

#### **1. Morgan Stanley**

**[Docket No. EC06-68-000]**

Take notice that on January 24, 2006, Morgan Stanley tendered for filing with the Commission an application pursuant to section 203 of the Federal power Act seeking blanket authorization for the acquisition, directly or indirectly, of securities of electric utility companies, transmitting utilities or of any holding company over any electric utility company or transmitting utility, subject to certain proposed limitations.

*Comment Date:* 5 p.m. eastern time on February 6, 2006.

#### **2. Elkem Metals Company—Alloy, L.P., et al. and Alloy Power Inc., et al.**

**[Docket No. EC06-69-000]**

Take notice that on January 25, 2006, Elkem Metals Company—Alloy, L.P. (Elkem) and Alloy Power Inc. (Alloy Power) (collectively, Parties) and D.E. Shaw & Co., L.L.C., D.E. Shaw & Co. II, Inc., D.E. Shaw & Co., L.P. and D.E. Shaw & Co., Inc. (collectively, the Shaw-Related Entities and, together with Parties, Applicants), submitted an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of a jurisdictional facilities whereby one-third of the limited partnership interests in Elkem would be transferred to Alloy Power. In addition, Applicants seek authorization for the Shaw-Related Entities to indirectly acquire securities in Elkem.

*Comment Date:* 5 p.m. eastern time on February 15, 2006.

#### **3. BBPOP Wind Equity LLC, et al.**

**[Docket No. EC06-70-000]**

Take notice that on January 25, 2006, BBPOP Wind Equity LLC (BBPOP Wind Equity), Kumeyaay Wind, LLC (Kumeyaay), Wind Park Bear Creek, LLC (Bear Creek), and Jersey-Atlantic Wind, LLC (Jersey-Atlantic) (for the last three entities, collectively, the Project Companies), and Babcock & Brown Wind Partners—U.S. LLC (BBWPUS) (collectively, Applicants) filed with the Commission an application pursuant to

section 203 of the Federal Power Act for an order authorizing the indirect disposition of jurisdictional facilities in connection with the transfer and sale of upstream ownership interests in the jurisdictional facilities of the Project Companies. BBPOP Wind Equity and BBWPUS state that they are subsidiaries or affiliates of Babcock & Brown International Pty. Ltd. (BBIPL). The Project Companies which currently are owned indirectly in part by BBPOP Wind Equity, further state that they own wind energy generating facilities in operation in California, Pennsylvania and New Jersey and the proposed transactions are the transfer of upstream ownership interests in the Project Companies from BBPOP Wind Equity to BBWP and the potential temporary transfer of the membership interests in one or more of the Project Companies from BBPOP 3 to another wholly-owned BBPOP Wind Equity subsidiary.

*Comment Date:* 5 p.m. eastern time on February 15, 2006.

#### **4. FPL Energy Duane Arnold, LLC**

**[Docket No. EG06-31-000]**

Take notice that on January 26, 2006, FPL Energy Duane Arnold, LLC (Applicant), tendered for filing with the Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a nuclear-powered facility with a nameplate capacity rating of 645 MW and is located in Palo, Iowa.

*Comment Date:* 5 p.m. eastern time on February 16, 2006.

#### **5. City of Anaheim, California**

**[Docket No. EL06-24-000]**

Take notice that on January 26, 2006, the City of Anaheim, California filed revisions of Appendix I to the OATT.

*Comment Date:* 5 p.m. eastern time on February 9, 2006.

#### **6. Braintree Electric Light Department**

**[Docket No. EL06-48-000]**

Take notice that on January 19, 2006, Braintree Electric Light Department (Braintree) submitted a petition pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)) for a declaratory order determining that rates and charges associated with the costs of a reliability must-run (RMR) agreement between Braintree and ISO New England, Inc. as to Braintree's Potter 2 generating unit will satisfy the "just and reasonable" criteria of section 205 of the Federal Power Act.

*Comment Date:* 5 p.m. eastern time on February 21, 2006.

**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.

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.

**Magalie R. Salas,**  
Secretary.

[FR Doc. E6-1550 Filed 2-3-06; 8:45 am]

BILLING CODE 6717-01-P

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

[Docket Nos. EC06-71-000, et al.]

**Duke Energy Trading and Marketing,  
L.L.C., et al.; Electric Rate and  
Corporate Filings**

January 31, 2006.

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

**1. Duke Energy Trading and Marketing,  
L.L.C.**

[Docket No. EC06-71-000]

Take notice that on January 26, 2006, Duke Energy Trading and Marketing, L.L.C. (DETM) and Constellation Energy Commodities Group, Inc. (CCG) filed with the Commission an application pursuant to section 203 of the Federal Power Act for authorization of the transfer by DETM of two wholesale power transactions to CCG. DETM and CCG have requested privileged treatment for commercially sensitive information contained in the application.

*Comment Date:* 5 p.m. eastern time on February 16, 2006.

**2. General Electric Capital Corporation;  
Deville Energy, LLC**

[Docket No. EC06-72-000]

Take notice that on January 27, 2006, General Electric Capital Corporation and Deville Energy, LLC (Applicants) submitted an application pursuant to section 203 of the Federal Power Act for authorization of disposition of jurisdictional facilities resulting from a proposed sale of a biomass-fired qualifying small power production facility.

*Comment Date:* 5 p.m. eastern time on February 17, 2006.

**3. Inland Empire Energy Center, LLC**

[Docket No. EG06-30-000]

Take notice that on January 25, 2006, Inland Empire Energy Center, LLC (Inland Empire) tendered for filing pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 an application for determination of exempt wholesale generator status.

*Comment Date:* 5 p.m. eastern time on February 7, 2006.

**4. Entergy Arkansas, Inc.**

[Docket Nos. EL04-134-005 and EL05-15-007]

Take notice that on January 23, 2006, Entergy Arkansas, Inc. tendered for filing a refund report related to refunds to East Texas Electric Cooperative in compliance with Commission Order issued November 7, 2005, 113 FERC ¶ 61,137 (2005).

*Comment Date:* 5 p.m. eastern time on February 13, 2006.

**5. City of Vernon, California**

[Docket No. EL06-32-000]

Take notice that on January 20, 2006, the City Vernon, California tendered for filing verification of the calculations to its revised Transmission Revenue Balancing Account Adjustment

submitted on December 15, 2005, for the calendar year 2006.

*Comment Date:* 5 p.m. eastern time on February 6, 2006.

**6. Thumb Electric Cooperative**

[Docket Nos. OA05-1-000 and TS05-17-000]

Take notice that on July 28, 2005, Thumb Electric Cooperative (Thumb) requests the Commission waive the Open Access Same Time Information Systems requirements and functional separation requirements of the Standards of Conduct for Transmission Providers established by Order 889 and amended by Order 2004.

*Comment Date:* 5 p.m. eastern time on February 15, 2006.

**7. Attala Transmission LLC**

[Docket No. TS05-18-000]

Take notice that on June 29, 2005, Attala Transmission LLC (Attala), submitted for filing copies of the executed Interconnection and Service Charge Agreement, dated June 28, 2005, between Attala and Entergy Mississippi, Inc.

*Comment Date:* 5 p.m. eastern time on February 15, 2006.

**8. Hardee Power Partners Limited**

[Docket No. TS06-6-000]

Take notice that on December 15, 2005, Hardee Power Partners Limited tendered for filing with the Commission request for waiver of Orders Nos. 888 and 889 and Part 358 of the Commission's regulations.

*Comment Date:* 5 p.m. eastern time on February 7, 2006.

**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