

the request; or (3) evidence of waiver of water quality certification.

Kimberly D. Bose, Secretary. [FR Doc. E9-3851 Filed 2-23-09; 8:45 am] BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2157-167]

Public Utility District No. 1 of Snohomish County, Washington City of Everett, WA; Notice Dismissing Motion To Intervene

February 17, 2009.

On December 1, 2005, in Project No. 2157-167, Public Utility District No. 1 of Snohomish County, Washington (Snohomish PUD) and the City of Everett (Everett) filed a Notice of Intent to File a License Application and a Pre-Application Document (PAD) under the Commission's integrated licensing process (ILP) for the Henry M. Jackson Project. On February 6, 2009,

Snohomish County filed a motion to intervene in this proceeding.

Pursuant to Rule 214(a)(3) of the Commission's Rules of Practice and Procedure, any person may seek to intervene and become a party in a proceeding by filing a motion to intervene that complies with the content requirements of Rule 214(b).<sup>1</sup> However, a motion to intervene in the ILP at the pre-application stage is not appropriate. Because Snohomish PUD and Everett have not yet filed a license application, there is no proceeding in which to intervene, and consequently the motion to intervene in Project No. 2157-167 is dismissed as premature. Should Snohomish PUD and Everett file a license application, the Commission will then provide an opportunity for intervention.<sup>2</sup>

This notice constitutes final agency action. Requests for rehearing of this notice may be filed within 30 days of the date of issuance of this notice, pursuant to Rule 713 of the

Commission's Rules of Practice and Procedure.<sup>3</sup>

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER06-615-000; ER07-1257-000; ER08-1113-000; OA08-62-000]

California Independent System Operator Corporation; Notice of FERC Staff Attendance

February 17, 2009.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that on the following dates members of its staff will participate in teleconferences and meetings to be conducted by the California Independent System Operator (CAISO). The agenda and other documents for the teleconferences and meetings are available on the CAISO's Web site, http://www.aiso.com.

- February 23, 2009 .....
February 24, 2009 .....
February 25, 2009 .....
February 26, 2009 .....
February 27, 2009 .....
March 2, 2009 .....
March 3, 2009 .....
March 4, 2009 .....
March 5, 2009 .....

- MRTU Parallel Operations Touchpoint.
MRTU Parallel Operations Touchpoint.
Systems Interface Users Group.
Payment Acceleration Working Group.
Settlements and Market Clearing Users Group.
MRTU Parallel Operations Touchpoint.
Residual Unit Commitment Procedure.
Participating Transmission Owner Unit Costs.
2009 Transmission Plan.
MRTU Parallel Operations Touchpoint.
MRTU Parallel Operations Touchpoint.
Systems Interface Users Group.
Settlements and Market Clearing Users Group.
Congestion Revenue Rights.
MRTU Parallel Operations Touchpoint.

Sponsored by the CAISO, the teleconferences and meetings are open to all market participants, and Commission staff's attendance is part of the Commission's ongoing outreach efforts. The teleconferences and meetings may discuss matters at issue in the above captioned dockets.

For further information, contact Saeed Farrokhpay at saeed.farrokhpay@ferc.gov; (916) 294-

0233 or Maury Kruth at maury.kruth@ferc.gov, (916) 294-0275.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC09-40-000]

Empire Pipeline, Inc.; Notice of Filing

February 17, 2009.

Take notice that on February 10, 2009 Empire Pipeline, Inc. submitted a request for waiver of the requirement to submit the 2008 FERC Form No. 2 under Section 260.1 of the Commission regulations.

Any person desiring to intervene or to protest this filing must file in

1 18 CFR 385.214 (2008).

2 18 CFR 5.1 et seq. (2008). To receive all filings in a docket, interested parties are encouraged to

utilize the Commission's e-Subscription service, which can be accessed at http://www.ferc.gov/docs-filing/esubscription.asp.

3 18 CFR 385.713 (2008).

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.

Comment Date: March 19, 2009.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-3858 Filed 2-23-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER02-2001-010; Docket No. ER06-1152-000; Docket No. ER07-1247-000]

#### Order on Intent To Revoke Market- Based Rate Authority

February 19, 2009.

Before Commissioners: Jon Wellinghoff, Acting Chairman; Suedeen G. Kelly, Marc Spitzer, and Philip D. Moeller.

Electric Quarterly Reports: Docket No. ER02-2001-010.

Celeren Corporation: Docket No. ER06-1152-000.

FC Energy Services Company, LLC:  
Docket No. ER07-1247-000.

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2006), and 18 CFR part 35 (2008), require, among other things, that all rates, terms, and conditions of jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public utilities, including power marketers, to file Electric Quarterly Reports summarizing the contractual terms and conditions in their agreements for all jurisdictional services (including market-based power sales, cost-based power sales, and transmission service) and providing transaction information (including rates) for short-term and long-term power sales during the most recent calendar quarter.<sup>1</sup>

2. Commission staff's review of the Electric Quarterly Report submittals indicates that two utilities with authority to sell electric power at market-based rates have failed to file their Electric Quarterly Reports. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that,

[i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for market-based rate authority if it wishes to resume making sales at market-based rates.<sup>2</sup>

4. The Commission further stated that,

[o]nce this rule becomes effective, the requirement to comply with this rule will supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.<sup>3</sup>

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of several market-based

rate sellers that failed to submit their Electric Quarterly Reports.<sup>4</sup>

6. As noted above, Commission staff's review of the Electric Quarterly Report submittals identified two public utilities with authority to sell power at market-based rates that failed to file Electric Quarterly Reports through the third and fourth quarters of 2008. Commission staff contacted these entities to remind them of their regulatory obligations.<sup>5</sup> None of the public utilities listed in the caption of this order has met those obligations.<sup>6</sup>

Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the issuance of this order.

7. In the event that any of the above-captioned market-based rate sellers has already filed its Electric Quarterly Report in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If any of the above-captioned market-based rate sellers do not wish to continue having market-based rate authority, they may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel their market-based rate tariff.

#### *The Commission Orders:*

(A) Within 15 days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all delinquent Electric Quarterly Reports. If a public utility fails to make this filing, the Commission will revoke that public utility's authority to sell power at market-based rates and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have

<sup>4</sup> See, e.g., *Electric Quarterly Reports*, 73 FR 31,460 (June 2, 2008); *Electric Quarterly Reports*, 115 FERC ¶ 61,073 (2006); *Electric Quarterly Reports*, 114 FERC ¶ 61,171 (2006).

<sup>5</sup> See *Celeren Corporation*, Docket No. ER06-1152-000 (December 19, 2008) (unpublished letter order); *FC Energy Services Company, LLC*, Docket No. ER07-1247-000 (December 19, 2008) (unpublished letter order).

<sup>6</sup> According to the Commission's records, the companies subject to this order last filed their Electric Quarterly Reports for the 2nd quarter of 2008.

<sup>1</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *Reh'g Denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *Reconsideration and Clarification Denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *Order Directing Filings*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002) *Order Directing Filings*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003).

<sup>2</sup> Order No. 2001 at P 222.

<sup>3</sup> *Id.* P 223.