

assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

*Protest Date:* June 15, 2004.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-1322 Filed 6-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP91-203-073 and RP92-132-061]

#### Tennessee Gas Pipeline Company; Notice of Tariff Sheets

June 4, 2004.

Take notice that on May 28, 2004, Tennessee Gas Pipeline Company, (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be made effective July 1, 2004.

Tennessee states that pursuant to the May 15, 1995, comprehensive settlement in the referenced proceeding, which relates to Tennessee's recovery of the costs of remediating polychlorinated biphenyl (PCB) and other hazardous substance list contamination on its system (Settlement), Tennessee is seeking to extend the PCB Adjustment Period for twenty-four months as provided for in the Settlement. Tennessee further states that it is submitting revised tariff sheets to update its rate sheet footnote pertaining to the PCB Adjustment Period and to reflect the extension of the PCB Adjustment Period proposed in the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. This filing 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, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-1331 Filed 6-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP99-480-009]

#### Texas Eastern Transmission, LP; Notice of Compliance Filing

June 4, 2004.

Take notice that on June 1, 2004, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, Sub Original Sheet No. 108, effective May 1, 2004.

Texas Eastern states that the purpose of this filing is to comply with the Commission's order issued in the captioned docket on April 30, 2004 (April 30 Order). Specifically, Texas Eastern states that it is revising the tariff sheet filed herewith, which lists Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (CP&L) as a party to a negotiated rate arrangement, in accordance with the April 30 Order. Texas Eastern also states that, by this filing, Texas Eastern proposes to implement a revised service agreement, which includes a negotiated rate, between Texas Eastern and CP&L for firm transportation service under Rate Schedule FT-1 on facilities constructed as part of Texas Eastern's M-1 Expansion Project (Docket No. CP02-381).

Texas Eastern states that copies of its filing have been served on all affected customers of Texas Eastern, interested State commissions, and all parties on the Commission's official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of

the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. 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 proceedings. This filing 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, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-1336 Filed 6-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP99-106-009]

#### TransColorado Gas Transmission Company; Notice of Revenue Sharing Report

June 4, 2004.

Take notice that on June 1, 2004, TransColorado Gas Transmission Company (TransColorado) tendered for filing its revenue sharing report in accordance with the provisions of the Settlement in Docket No. RP99-106 and the Commission's Order dated April 24, 2002.

TransColorado states that a copy of this filing has been served upon all parties listed on the official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before the protest date as shown below. 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 proceedings. This filing 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.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the eFiling link.

*Protest Date:* June 11, 2004.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-1335 Filed 6-9-04; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP00-463-006]

#### Williston Basin Interstate Pipeline Co.

Issued June 1, 2004.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of request for comments; order on remand.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is requesting comments on its policy concerning a shipper's retention of its discounted rates when a secondary point is used, as that policy has been modified by the decisions in *Colorado Interstate Gas Co.*, 95 FERC ¶ 61,321 (2001) and *Granite State Transmission Co.*, 96 FERC ¶ 61,273 (2001).

**DATES:** Initial comments are due August 9, 2004.

Reply comments are due August 30, 2004.

**ADDRESSES:** Comments may be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. Commenters unable to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Wayne Guest, Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE.,

Washington, DC 20426, (202) 502-6475.

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8685.

Michael Miller (concerning information collection), Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8415.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suedeen G. Kelly.

1. On February 20, 2004, in *Williston Basin Interstate Pipeline Co. v. FERC*,<sup>1</sup> the United States Court of Appeals for the District of Columbia Circuit (Court) vacated the Commission's decisions in *Williston Basin Interstate Pipeline Co.*<sup>2</sup> The Commission's decisions addressed Williston Basin Interstate Pipeline Company's (Williston) filing to comply with Order Nos. 637, 587-G and 587-L. The Court found that the Commission had failed to present an adequate explanation for its ruling directing Williston to adopt the policy set forth by the Commission in *Colorado Interstate Gas Co. (CIG)*<sup>3</sup> concerning shippers' ability to retain their primary point discounts when they or a replacement shipper use secondary points.

2. The Court's decision raises questions concerning the Commission's discount policy on a generic basis, as well as the effect of the policy on individual pipelines. In order to better resolve the issues raised in this proceeding, the Commission is requesting additional comments on its policy concerning a shipper's retention of its discounted rates when a secondary point is used, as that policy has been modified by the decisions in *Colorado Interstate Gas Co. (CIG)*<sup>4</sup> and *Granite State Transmission Co.*<sup>5</sup> (*Granite State*). The Commission recognizes that the resolution of the issues in this proceeding will have implications for other pipelines. Therefore, the Commission will permit late intervention in this proceeding to permit comments from all interested parties.

<sup>1</sup> 358 F.3d 45 (D.C. Cir. 2004).

<sup>2</sup> 98 FERC ¶ 61,212 (2002), *reh'g*, 99 FERC ¶ 61,327 (2002).

<sup>3</sup> 95 FERC ¶ 61,321 (2001).

<sup>4</sup> 95 FERC ¶ 61,321 (2001).

<sup>5</sup> 96 FERC ¶ 61,273 (2001).

## I. Background

### A. The Commission's Discount Policy

1. The Discount Policy Prior to Order No. 636

3. As part of Order No. 436, which commenced the transition to open-access transportation, the Commission adopted regulations permitting pipelines to engage in selective discounting based on the varying demand elasticities of the pipeline's customers.<sup>6</sup> The Commission explained that these selective discounts would benefit all customers, including customers that did not receive the discounts, because the discounts allow the pipeline to maximize throughput and thus spread its fixed costs across more units of service.<sup>7</sup> The Commission's adoption of these regulations was upheld in *Associated Gas Distributors v. FERC (AGD I)*.<sup>8</sup>

4. In the Rate Design Policy Statement<sup>9</sup> and a number of section 4 rate cases,<sup>10</sup> the Commission held that if a pipeline grants a discount in order to meet competition, the pipeline is not required in its next rate case to design its rates based on the assumption that the discounted volumes would flow at the maximum rate. As the Commission explained, if the pipeline must assume in the next rate case that volumes it has transported at discounted rates would still be transported if the maximum rate were charged, the pipeline might be unable to recover its cost of

<sup>6</sup> Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, FERC Stats. & Regs. Regulations Preambles 1982-1985 ¶ 30,665 at 31,543-45 (1985); Order No. 436-A, FERC Stats. & Regs. Regulations Preambles 1982-1985 ¶ 30,675 at 31,677-80 (1985). 18 CFR 284.10(c)(5).

<sup>7</sup> Order No. 436 at 31,544.

<sup>8</sup> 824 F.2d 981, 1010-1012 (D. C. Cir. 1987).

<sup>9</sup> 47 FERC ¶ 61,295 at 62,056-57 (1989).

<sup>10</sup> See, e.g., *Southern Natural Gas Co.*, 65 FERC ¶ 61,347 at 62,829-62,833 (1993), *reh'g denied*, 67 FERC ¶ 61,155 at 61,456-61,460 (1994); *Williston Basin Interstate Pipeline Co.*, 67 FERC ¶ 61,137 at 61,377-61,282 (1994); *Panhandle Eastern Pipe Line Co.*, 71 FERC ¶ 61,228 at 61,866-61,871 (1995) (Opinion No. 395); *Northwest Pipeline Corp.*, 71 FERC ¶ 61,253 at 62,007-61,009 (1995); *Panhandle Eastern Pipe Line Co.*, 74 FERC ¶ 61,109 at 61,399-61,408 (1996) (Opinion No. 404); *Williams Natural Gas Co.*, 77 FERC ¶ 61,277 at 62,205-61,207 (1996), *reh'g denied*, 80 FERC ¶ 61,158 at 61,189-61,190; *Iroquois Gas Transmission System, L.P.*, 84 FERC ¶ 61,086 at 61,478 (1998), *reh'g denied*, 86 FERC ¶ 61,261 (1999); *Williston Basin Interstate Pipeline Co.*, 84 FERC ¶ 61,266 at 61,401-61,402 (1998); *Northwest Pipeline Corp.*, 87 FERC ¶ 61,266 at 62,077 (1999); and *Trunkline Gas Co.*, 90 FERC ¶ 61,017 at 61,084-61,096 (2000).