and Indian tribes with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item k below.

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian tribe, or person believes that an additional scientific study should be conducted in order to form a factual basis for complete analysis of the application on its merits, the resource agency, Indian tribe, or person must file a request for the study with the Commission no later than 60 days from the application filing date, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: February 6, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filing. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "eFiling" link. After logging into the eFiling system, select "Comment on Filing" from the Filing Type Selection screen and continue with the filing process."

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The Corriveau Hydroelectric Project consists of the following existing facilities: (1) The 150-foot-long by 9-foot-high dam; (2) a 2.0 acre reservoir, (3) a 125-foot-long intake canal; (4) a powerhouse containing three generating units with total installed generating capacity of 338 kilowatts (kW); and (5) appurtenant facilities. The restored project would have an average annual generation of 1,306,900 kilowatt-hours. The dam and existing project facilities are owned by the applicant.

o. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number filed to access the documents. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676 or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

p. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

q. With this notice, we are initiating consultation with the *Maine State Historic Preservation Officer (SHPO)*, as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

r. Procedural schedule and final amendments: We intend to waive the standard 3-stage consultation process (18 CFR 4.38). We also intend to substitute the pre-filing consultation that has occurred on this project for our standard National Environmental Policy Act scoping process. Commission staff proposes to issue a single environmental assessment rather than issue a draft and final EA. Staff intends to give at least 30 days for entities to comment on the EA, and will consider all comments received on the EA before final action is taken on the exemption application.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Magalie R. Salas,

Secretary.

[FR Doc. E5–8177 Filed 12–30–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the Record Communications; Public Notice

December 22, 2005.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are 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* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	Date received	Presenter or requester
1. Project Nos. 2539–000 and 12522–000	12–7–05	Kristin LaChappelle.
2. Project Nos. 2539–000 and 12522–000	12–19–05	Sister Joanne St. Hilaire.
Exempt:		
1. CP04–411–000	12–16–05	David L. Scott.
2. CP05–412–000	12–16–05	Herman Der.
3. ER05–1522–000, ER05–1533–000	11–30–05	Hon. Arnold Schwarzenegger.
4. Project No. 2630–004	12–20–05	David Leonhardt.

Magalie R. Salas,

Secretary.

[FR Doc. E5–8160 Filed 12–30–05; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Order on Intent To Revoke Market-Based Rate Authority

Issued December 22, 2005.

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

In the matter of: ER02–2001–004, ER04–0292–000, ER04–0646–000, ER02–0388–000, ER03–0827–000, ER98–4301–000, ER02–1324–000, ER03–0182–000, ER03–0261–000, Electric Quarterly Reports, Bravo Energy Resources, LLC, Core Equities, Inc., HC Power Marketing, Maxim Energy Partners, LLC, Mountainview Power Company, Mt. Carmel Cogen, Inc., Phoenix Energy Associates, L.L.C., USP&G (Pennsylvania), Ltd.

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2000), and 18 CFR part 35 (2005), require, among other things, that all rates, terms and conditions of jurisdictional services be filed with the Commission. In Order No. 2001, which established revised public utility filing requirements for rates, terms and conditions of jurisdictional services, the Commission required public utilities, including power marketers, to file, among other things, 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 transaction information (including rates) for short-term and long-term power sales during the most recent calendar quarter.[1]

2. Commission staff review of the Electric Quarterly Report submittals has revealed that a number of public utilities that previously had been granted authority to sell power at market-based rates have failed to file Electric Quarterly Reports in 2005. Accordingly, this order notifies those public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements.

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.[2]

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.[3]

5. Pursuant to these requirements, the Commission has revoked or withdrawn the market-based rate tariffs of several market-based rate sellers that failed to submit their Electric Quarterly Report.[4]

6. Commission staff review of the Electric Quarterly Report submittals has identified a number of public utilities that previously had been granted authority to sell power at market-based rates that have failed to file Electric Quarterly Reports. Commission staff has made a concerted effort to contact the non-filing utilities listed in the caption to remind them of their regulatory obligations. None of the public utilities listed in the caption of this order has met those obligations.[5]

7. Accordingly, this order notifies those 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.

8. In addition, the above-captioned companies' failure to comply with their Electric Quarterly Report filing requirements provides a basis for the Commission to institute a proceeding under section 206 of the FPA, to determine whether these companies may continue to make wholesale power sales at market-based rates and whether any refunds would be appropriate. In cases where, as here, the Commission institutes a section 206 investigation on its own motion, section 206(b) of the FPA, as recently amended by section 1285 of the Energy Policy Act of 2005,[6] requires that the Commission establish a refund effective date that is no earlier than the date of publication of notice of its initiation of the investigation, but no later than five months subsequent to that date. Consistent with our general policy,[7] we will set the refund effective date as the date publication of notice of its initiation of the investigation.

9. In the event that any of the above-captioned market-based rate sellers have

[1] Revised Public Utility Filing Requirements, Order No. 2001, 67 Fed. Reg. 31043, FERC Stats. & Regs. ¶ 31,127 (April 25, 2002), 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).

[2] Order No. 2001, at P 222.

[3] *Id.* at P 223.

[4] See Intent to Revoke Market-Based Rate Authority, 107 FERC ¶ 61,310 (2004); Notice of the Revocation of Market-Based Rate Tariffs, *et al.*, 69 Fed. Reg. 57,679 (September 27, 2004); Intent to Withdraw Market-Based Rate Authority, 104 FERC ¶ 61,139 (2003); and Order on Market-Based Rates, 105 FERC ¶ 61,219 (2003).

[5] According to the Commission's records, the companies subject to this order last filed their Electric Quarterly Reports in the quarters and years shown below:

Bravo Energy Resources, LLC, Docket No. ER04–0292–000, 2004, Quarter 3.

Core Equities, Inc., Docket No. ER04–0646–000, 2004, Quarter 3.

HC Power Marketing, Docket No. ER02–0388–000, 2003, Quarter 4.

Maxim Energy Partners, LLC, Docket No. ER03–0827–000, 2004, Quarter 1.

Mountainview Power Company, Docket No. ER98–4301–000, 2002, Quarter 4.

Mt. Carmel Cogen, Inc., Docket No. ER02–1324–000, 2002, Quarter 4.

Phoenix Energy Associates, L.L.C., Docket No. ER03–0182–000, 2004, Quarter 2.

USP&G (Pennsylvania), Ltd., Docket No. ER03–0261–000, 2003, Quarter 4.

[6] Energy Policy Act of 2005, Public Law No. 109–58, 119 Stat. 594 (2005).

[7] See, *e.g.*, Seminole Electric Cooperative, Inc. v. Florida Power & Light Co., 65 FERC ¶ 61,413 at 63,139 (1993); Canal Electric Co., 46 FERC ¶ 61,153 at 61,539, reh'g denied, 47 FERC ¶ 61,275 (1989).