

11. Portland General Electric Company
[Docket No. ER96-2923-000]

Take notice that on September 4, 1996, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff, (Docket No. OA96-137-000) an executed Service Agreement for Non-Firm Point-to-Point Transmission Service and an unexecuted Service Agreement for Firm Point-to-Point Transmission Service with the Bonneville Power Administration.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93-2-002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the Service Agreements to become effective August 12, 1996.

A copy of this filing was caused to be served upon the Bonneville Power Administration as noted in the filing letter.

Comment date: September 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Portland General Electric Company
[Docket No. ER96-2924-000]

Take notice that on September 4, 1996, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff, (Docket No. OA96-137-000) executed Service Agreements for Non-firm Point-to-Point Transmission Service and Firm Point-to-Point Transmission Service with the Utility Trade Corp.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93-2-002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the Service Agreements to become effective August 20, 1996.

A copy of this filing was caused to be served upon the Utility Trade Corp. as noted in the filing letter.

Comment date: September 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. El Paso Electric Company
[Docket No. ES96-44-000]

Take notice that on September 9, 1996, El Paso Electric Company filed an application, under § 204 of the Federal Power Act, seeking authorization to issue up to 90,000 shares of its Series A Preferred Stock to be used to make a payment in lieu of a cash dividend on its outstanding Preferred Stock.

Comment date: October 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Michigan Power Limited Partnership

[Docket No. QF88-441-002]

On August 28, 1996, Michigan Power Limited Partnership of 2500 West City Boulevard, Suite 1700, Houston, Texas 77042, submitted for filing an application for Commission recertification as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the natural gas-fueled cogeneration facility is located in Mason County, Michigan. The Commission previously certified the facility as a 125.5 MW cogeneration facility. The facility consists of a combustion turbine generator and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used by Dow Chemical USA (Dow) for the production of calcium chloride and magnesium. Power from the facility is sold to the Consumers Power Company (Consumers). Dow purchases all of its power needs directly from Consumers. According to the applicant, the recertification is requested to report the addition of an alternate supply circuit from Consumers to Dow through the facility. The alternate supply circuit will be used by Consumers in the event the primary supply circuit is interrupted.

Any person who wishes to be heard or to object to granting qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. A motion or protest must be filed within 15 days after the date of publication of this notice and must be served on the applicant. 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. A person who wishes to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211

and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-23895 Filed 9-17-96; 8:45 am]

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[Docket No. RM96-1-000]

Standards for Business Practices of Interstate Natural Gas Pipelines; Notice Clarifying Procedures for Filing of Pro Forma Tariff Sheets

September 12, 1996.

The Commission's July 17, 1996 order in this docket,¹ requires pipelines to file *pro forma* tariff sheets to comply with the business practice standards adopted by the Commission. This notice clarifies the procedures pipelines should follow in making the *pro forma* filings.

To reduce the burden required to convert the *pro forma* tariff sheets to final sheets, the *pro forma* sheets should be filed as if they are proposed revisions of sheets in the existing tariff volume (with changes identified as provided in Section 154.201 of the Commission's regulations) with the words "Pro Forma" before the volume name, e.g., Fourth Revised Sheet No. 150, FERC Gas Tariff, Pro Forma Third Revised Volume No. 1. For the electronically filed tariff sheets, "Pro Forma" should be inserted at the beginning of the name field (VolumeID) in the Tariff Volume Record, i.e., the TF02 record. When the pipeline files the final tariff sheets, it need only remove the phrase *pro forma* for any unchanged sheets.

In addition, Section 154.7 of the Commission's regulations requires pipelines to include in their filing a statement of the nature, the reasons, and the basis of the filing that includes a detailed explanation of the need for each tariff change. To ease the processing of these filings by the Commission and other parties, pipelines should fulfill this requirement by including a table showing the Gas Industry Standards Board (GISB) standard, the complying *pro forma* tariff

¹ Standards For Business Practices Of Interstate Natural Gas Pipelines, order No. 587, 61 FR 39053 (Jul. 26, 1996), III FERC. Stats. & Regs. Regulations Preambles § 31,039 (Jul. 17, 1996).

sheet number, and an explanatory statement, if necessary, describing any reasons for deviations from or changes to each GISS standard.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-23839 Filed 9-17-96; 8:45 am]

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Notice of Issuance of Decisions and Orders; Office of Hearings and Appeals; Week of June 3 Through June 7, 1996

During the week of June 3 through June 7 1996, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: September 9, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Association of Public Agency

Customers, 6/6/96, VFA-0162

The Association of Public Agency Customers (Appellant) filed an Appeal

of a Determination issued to it by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA) concerning documents related to power service contracts. In its Determination, Bonneville Power Administration (BPA) released 26 pages and withheld approximately 1,500 additional pages from the Appellant under Exemptions 4 and 5 of the FOIA. The Appellant appealed this withholding and challenged the amount of search and review fees it had been assessed. The Office of Hearings and Appeals (OHA) first determined that the amount of time spent searching for and reviewing documents was reasonable, and that it was proper to have relatively high-paid employees conduct this work. However, the OHA found that BPA had incorrectly charged the Appellant the cost of the photocopier operator's time. The OHA also concluded that Exemption 4 had been applied correctly, because if some of the withheld material was released, future production capacities of two BPA customers would be easily determined. Finally, the OHA found that the other withheld documents were correctly protected by the deliberative process and attorney-client privileges of Exemption 5. Accordingly, the OHA ordered BPA to reduce its fees to the Appellant by the amount of the incorrect charges, but denied the Appeal in all other respects.

Dorothy M. Bell, 6/7/96, VFA-0163

The Department of Energy (DOE) issued a Decision and Order denying a Freedom of Information Act Appeal that was filed by Dorothy M. Bell. In her Appeal, Ms. Bell contested the adequacy of the search for documents responsive to her request. In the Decision, the DOE found that the search conducted for responsive documents was adequate.

Todd M. Clark, 6/6/96, VFA-0164

Todd M. Clark filed an Appeal from a determination issued to him on April 8, 1996, by the Freedom of Information Act Contact of the Office of Environmental Management of the Department of Energy (DOE). In that determination, the FOIA Contact granted a request for information filed by Mr. Clark under the Freedom of Information Act (FOIA). In his Appeal, the appellant contended that additional responsive information may exist. In considering the Appeal, the DOE confirmed that the FOIA Contact followed procedures reasonably calculated to uncover any responsive information. Accordingly, the DOE denied Mr. Clark's request.

Refund Application

Atlantic Richfield Company/Jefferson ARCO, Albert's ARCO, 6/7/96, RF304-15501, RF304-15502

The DOE found that duplicate applications were filed in the ARCO special refund proceeding for two retail outlets owned by Albert Peiper. The DOE determined that Mr. Peiper's signature was forged on one set of applications and on the refund checks issued based upon those applications. The forged applications carried the address of Mr. Peiper's former wife, and the refund checks were deposited into her account. Accordingly, the refunds granted based upon the forged applications were rescinded, and Mr. Peiper's former wife was ordered to repay the amount received.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Clairmont Transfer Company	RC272-342	06/03/96
Clairmont Transfer Company	RK272-3437	
Gulf Oil Corporation/Clock Tire Mart	RF300-16852	06/03/96
Gulf Oil Corporation/Dearman Oil Co. et al	RF300-13591	06/06/96
Gulf Oil Corporation/Jones Fuel & Heating Co	RF300-15144	06/07/96
Gulf Oil Corporation/WMG, Inc	RF300-21694	06/03/96
Land Paving et al	RF272-96134	06/06/96
Riedel International	RF272-69843	06/07/96
Riedel International	RD272-69843	
State of Tennessee	RR272-207	06/03/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Allegheny Development Corporation	RG272-970
Arledge Kelly Hay co	RF272-94736
Denormandie Towel & Linen Supply	RF272-89976