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. 97–28460 Filed 10–27–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG96–14–002]

K N Wattenberg Transmission Limited Liability Company; Notice of Filing

October 22, 1997.

Take notice that on October 14, 1997, K N Wattenberg Limited Liability Company (KNW) submitted revised standards of conduct in response to the Commission's September 15, 1997, order.[1]

KNW states that copies of this filing have been mailed to all parties on the official service list compiled by the Secretary in this proceeding. 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 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before November 6, 1997. 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. 97–28461 Filed 10–27–97; 8:45 am]

BILLING CODE 6717–01–M

[1] 80 FERC ¶ 61,291 (1997).

DEPARTMENT OF ENERGY

[Docket No. ER97–4799–000]

Maine Public Service Company; Notice of Filing

October 22, 1997.

Take notice that on September 30, 1997, Maine Public Service Company filed an executed Service Agreement with PacifiCorp Marketing, Inc.

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 November 3, 1997. 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. 97–28458 Filed 10–27–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL95–3–001]

MidAmericna Energy Company (formerly Midwest Power Systems Inc.; Order Granting Intervention and Denying Rehearing

Issued October 22, 1997.

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, and William L. Massey.

On June 13, 1997, Southern Company Services, Inc. (Southern)[1] filed a motion to intervene out of time and a request for rehearing of the Commission's order issued May 15, 1997. *MidAmerican Energy Company (formerly Midwest Power Systems, Inc.),* 79 FERC ¶ 61,169 (1997) (May 15 order). For the reasons stated below, we will grant the motion to intervene and deny the rehearing request.

Background

In the May 15 order, the Commission: (a) dismissed as moot a request by Midwest Power, a division of Midwest Power Systems Inc. (Midwest Power or Applicant),[2] for a declaratory order authorizing it to reduce its annual composite rate of depreciation for accounting purposes;[3] and (b) clarified its order, issued April 19, 1994, in *Midwest Power Systems Inc.*, 67 FERC ¶ 61,076 (1994) (*Midwest Power*), which noted that section 302(a) of the FPA, 16 U.S.C. § 825a(a) (1994), requires that public utilities and licensees filed for Commission approval of proposed depreciation rate changes for accounting purposes. The Commission noted that, notwithstanding the clear language of section 302(a), there apparently was some confusion in the industry as to what should be done. Accordingly, the Commission did not require public utilities and licensees to file for formal approval of depreciation rate changes for accounting purposes where the depreciation rate changes were based on sound depreciation accounting practices and implemented prior to April 19, 1994. For changes in depreciation rates for accounting purposes implemented on or after April 19, 1994, and prior to the date of publication of the May 15 order in the **Federal Register**,[4] the Commission accorded public utilities and licensees an amnesty period extending to and including December 31, 1997, to make filings to change their depreciation rates for accounting purposes.[5]

Southern's Rehearing Request

Southern has moved to intervene out of time in order to seek rehearing of the

[1] Southern states that it is acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as the Southern Companies).

[2] By order issued June 22, 1995, the Commission authorized the merger of Midwest Power and Iowa-Illinois Gas and Electric Company. MidAmerican Energy Company is the surviving corporation. *See* Midwest Power Systems, Inc. and Iowa-Illinois Gas and Electric Company, 71 FERC ¶ 61,386 (1995).

[3] Midwest Power did not make this proposal in the context of a ratemaking proceeding under sections 205 or 206 of the Federal Power Act (FPA). 16 U.S.C. §§ 824d, e (1994). Accordingly, this order addresses only changes in depreciation rates for accounting purposes, and not recovery of depreciation-related expenses in, or changes in, electric rates and charges. Likewise, this order does not address requests to change depreciation rates that are made as part of proposals to change electric rates and charges under sections 205 or 206 of the EPA.

[4] The order was published in the Federal Register on May 22, 1997.

[5] The Commission also clarified that requests for depreciation rate changes for accounting purposes may be made under Rule 204 of the commission's Rules of Practice and Procedure, 18 CFR § 385.204 (1996), which does not require payment of a filing fee.

May 15 order. Southern argues that section 302 is an enabling statute and is not self-executing. Thus, Southern maintains, section 302 does not require public utilities and licensees to seek Commission authorization. Rather, while section 302 authorizes the Commission to fix depreciation rates, the Commission may do so only if the Commission first holds a hearing and provides prior notice to the affected state commissions.

Southern argues that there is no evidence in the legislative history that congress intended section 302 to impose an affirmative obligation on public utilities and licensees to obtain formal pre-approval of depreciation rates; rather, the Commission must comply with the preconditions of section 302(b) (*i.e.,* to receive and consider the views of state commissions before prescribing any rules or requirements as to depreciation rates).

Southern next argues that the Commission has never interpreted section 302 to impose an affirmative obligation on public utilities and licensees to secure formal Commission pre-approval for all depreciation rate changes, but has either avoided the issue, citing *Arkansas Power & Light Co.,* 8 FPC 106 (1949) (*AP&L*),[6] or held that section 205 of the FPA could be used as the procedural vehicle to set depreciation rates, citing *Carolina Power & Light Co.,* 55 FPC 817 (1976) (*CP&L*).[7] Southern adds that there is little judicial precedent regarding interpretation of section 302.[8] Southern argues that because the May 15 order departs from past precedent without a reasoned explanation, it is arbitrary and capricious.[9]

Southern claims that the Commission violated the Administrative Procedure Act (APA)[10] by failing to provide for prior notice and comment before issuing the May 15 order, which it characterizes as rulemaking. Further, Southern contends that any ''rule'' the Commission might promulgate can only be applied prospectively, and argues that the Commission erred in applying the ''rule'' announced in the May 15 order retroactively to the date of the *Midwest Power* decision.

Southern next argues that while the May 15 order provides for notification to state commissions, this notification does not satisfy the requirements of section 302 because the states and interested parties were not accorded an opportunity to have their views heard *before* Commission announced its policy.[11] Southern maintains that the Commission's decision in *Prior Notice and Filing Requirements Under Part II of the Federal Power Act,* 64 FERC ¶ 61,138, *order on reh'g,* 65 FERC ¶ 61,081 (1993) (*Prior Notice*), confirms that the Commission should have provided prior notice and allowed for the filing of comments and participation by affected parties.[12] Southern also argues that the May 15 order violates its due process rights because Southern was not allowed to challenge the Commission's requirements set forth in that order.[13] Further, Southern argues that to the extent the May 15 order establishes an amnesty period to submit proposed depreciation rate changes, it again violates the requirements of section 302, the APA, and considerations of due process.[14]

Southern also argues that the May 15 order imposes unnecessary regulations and filing requirements, which are inconsistent with ongoing changes in the electric utility industry. Southern notes the increasing use of market-based rates by public utilities and power marketers. It submits that entities selling at market-based rates do not predicate their charges on their depreciation expenses or any other identified cost components. Southern also notes the availability of section 205 and 206 proceedings to establish and monitor depreciation rates.

Finally, Southern notes that the overwhelming majority of plant and equipment affected by the May 15 order is used to provide retail electric service under state jurisdiction. It argues that if the Commission imposes a preapproval policy, public utilities could be subjected to incompatible regulatory requirements, with the Commission requiring one depreciation rate to be reflected in the utilities' books of account while a state commission could require a different depreciation rate. It maintains that the Commission should only regulate the depreciation accounting practices of jurisdictional public utilities to the extent the

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[6] Southern states that in *AP&L,* 8 FPC at 121, the company had argued that this Commission could only require adjustments to the depreciation reserve in a proceeding under section 302(a), and inasmuch as this Commission had issued no rules or regulations under section 302(a), the prior action of the Arkansas Commission (authorizing the contested accounting entry) was controlling. Southern argues that, instead of responding to this argument, this Commission brushed it aside by clarifying that it was acting under section 301(a) of the FPA, 16 U.S.C. § 825(a) (1994), and not section 302.

[7] Southern notes that in *CP&L,* 55 FPC at 819, the Commission stated:

With respect to the issue of CP&L's increased depreciation rates reflected in its filing both [intervenors] contend that Section 302 of the Federal Power Act requires that an increase in depreciation must be approved *prior to* the time it may be reflected in a company's rate filing and that the rate may only be permitted to be utilized prospectively from the Commission's finding. It is our view that the intervenor's reading of Section 302 of the Federal Power Act is too restrictive. Nothing in that section prevents rates utilizing an increased depreciation rate from being permitted to become effective subject to refund.

(emphasis in original).

[8] *Citing* Jersey Central Power & Light Co. v. FPC, 129 F.2d 183, 189 n.2 (3d Cir. 1942) (finding that the court had jurisdiction to review the Commission's determination that Jersey Central is a public utility within the meaning of the Federal Power Act, and reciting the applicable statutory provisions, including sections 301 and 302); Hartford Electric Light Co. v. FPC, 131 F.2d 953, 963 n.20 (2d Cir. 1942) (in which the court observed that since petitioner is a public utility subject to the Commission's jurisdiction, the Commission would have authority to fix depreciation rates under section 302); Safe Harbor Water Power Corp v. FPC, 179 F.2d 179, 199 (3d Cir. 1949) (in which the court approved the Commission's finding that a straight-line depreciation method is proper under section 302); and Union Electric Co. v. FPC, 326 F.2d 535, 539 n.1 (8th Cir. 1964), *rev'd on other grounds,* 381 U.S. 90 (1965) (stating that the Commission may fix rates of depreciation and may prescribe what charges are to be treated as depreciation charges).

[9] We note that, contrary to Southern's claim, the Commission in its prior orders has never held that under section 302 of the FPA public utilities and licensees were *not* required to file for approval of changes in their depreciation rates for accounting purposes with the Commission. The Commission has also never stated that they could change their depreciation rates for accounting purposes unilaterally *without* a filing with the Commission.

[10] 5 U.S.C. §§ 551 *et seq.* (1994).

[11] While we, in fact, did provide for the May 15 order to be sent to all of the state commissions, and also published in the **Federal Register**, *see* 79 FERC at 61,795; 62 Fed. Reg. 28,105 (1997), not a single state commission has responded or otherwise indicated any objection to or disagreement with the order.

[12] The *Prior Notice* proceeding is distinguishable, as it involved questions of what agreements were jurisdictional in the first instance and therefore needed to be filed. *See Prior Notice,* 64 FERC at 61,973, 61,977–78, 61,984–96. Here, in contrast, as discussed below, the need for public utilities and licensees to file for Commission authorization to change their depreciation rates for accounting purposes is plain on the face of the statute.

[13] In this regard, however, we note that Southern has had an opportunity here, on rehearing, to make its case. *See, e.g.,* Accounting Release AR–14, 58 FERC ¶ 61,166 at 61,501 & n.45 (1992). Moreover, we have not, in this proceeding, acted on any proposed depreciation rate change of Southern; rather, we have instead simply reiterated the need for public utilities and licensees to file with this Commission as required by section 302 of the FPA.

When public utilities and licenses make filings seeking to change their depreciation rates for accounting purposes, our practice is to publish notice of such filings in the **Federal Register**. In fact, notice of Midwest Power's filing in this proceeding (*i.e.,* its petition for a declaratory order) was published in the **Federal Register**. *See* 79 FERC at 61, 794; 59 Fed. Reg. 55,472 (1994).

[14] The amnesty period we provided for in the May 15 order was simply an accommodation to the industry to allow them the opportunity to make filings that would be considered timely. The Commission was not required to provide such an amnesty period, but chose to do so; the Commission's interest is in ensuring that public utilities and licensees comply with the statute's requirements, and the Commission believed that an amnesty period would further that policy.

underlying capital is dedicated to jurisdictional, cost-based service.

Discussion

Southern's motion to intervene out of time is unopposed, and Southern's interests may be affected by the outcome of this proceeding and cannot be represented by any other party. Nor would granting intervention result in undue prejudice. In these circumstances, we find good cause to grant Southern's motion to intervene out of time.

We will deny Southern's rehearing request. Contrary to Southern's position, pursuant to the express language of section 302 of the FPA public utilities and licensees must obtain Commission approval for changes in depreciation rates for accounting purposes.

Section 301(a) of the FPA, 16 U.S.C. § 825(a) (1994), in the first instance empowers the Commission to require utilities to keep ''accounts, records of cost-accounting procedures, correspondence, memoranda, papers, books and other records as the Commission may by rules and regulations prescribe as necessary or appropriate for purposes of the administration of this Act * * *.'' [15] Section 302(a) of the FPA, 16 U.S.C. § 825a(a) (1994), in turn, states that ''[t]he Commission may, after hearing, require licensees and public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the Commission may prescribe * * *.'' [16] (The Commission has, in fact, after notice and opportunity for hearing, adopted the Uniform System of Accounts,[17] which prescribes depreciation accounting procedures for public utilities and licensees.[18]) Section 302(a) goes on to state that ''[t]he licensees and public utilities subject to the jurisdiction of the Commission *shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission.*'' [19]

Contrary to Southern's argument, therefore, section 302 is not a mere enabling provision, but, rather, expressly imposes a mandatory obligation on public utilities and licensees not only to comply with the Commission's regulations governing depreciation accounting, but, more importantly for present purposes, to employ as depreciation charges and rates only those charges and rates that have been prescribed by the Commission.[20] Section 302 thus requires that before a public utility or licensee may change its depreciation rates for accounting purposes it must secure Commission authorization to do so.

Nor are we persuaded by Southern's argument that it was denied notice and opportunity to comment as required by the APA and the Due Process Clause of the United States Constitution. We believe that the May 15 order did little more than reiterate the statutory obligation imposed on public utilities and licensees by Congress in 1935—reminding public utilities and licensees of the obligation to file, according them an amnesty period to do so, and suggesting how they might wish to structure their filings. Thus, we believe that the May 15 order properly may be characterized as an ''interpretative rule'' exempt from the formal notice and comment procedures of the APA.[21]

Courts have found that an interpretative rule is merely a statement of what an agency thinks a given statute or regulation means, and thus only reminds affected parties of their duties.[22] In *Fertilizer Institute, et al.* v. *EPA*, 935 F.2d 1303, 1308 (D.C. Cir. 1991), the United States Court of Appeals for the District of Columbia Circuit explained that ''as a general rule, an agency can declare its understanding of what a statute requires without providing notice and comment * * *.'' The court also explained that agency action does not require notice and comment merely because if it ''affect[s] how parties act * * *—regardless of the consequences of a rulemaking, a rule will be considered interpretative if it represents an agency's explanation of a statutory provision.''

In *American Mining Congress, et al.* v. *Mine Safety & Health Administration, et al.*, 995 F.2d 1106, 1112 (D.C. Cir. 1993),[23] the court determined that, in contrast to an ''interpretative rule,'' an agency's rule is a ''legislative rule,'' and thus subject to the formal notice and comment procedures of the APA, if any of the following questions could be answered in the affirmative:

(1) whether in the absence of the rule there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure that the performance of duties, (2) whether the agency has published the rule in the Code of Federal Regulations, (3) whether the agency has explicitly invoked its general legislative authority, or (4) whether the rule effectively amends a prior legislative rule.

The May 15 order does not require an affirmative answer to any of these questions. First, as noted, section 302(a) of the FPA expressly requires public utilities and licensees to employ as their depreciation charges and rates only those charges and rates that have been prescribed by the Commission, and thus to secure Commission authorization to change their depreciation rates for accounting purposes. Accordingly, there is no legislative gap that required the May 15 order as a predicate to enforcement action. Nor did the Commission purport to act legislatively either by including the May 15 order in

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[15] *Accord*, H.R. Rep. No. 74–1318, at 30 (1935); S. Rep. No. 74–621, at 53 (1935). The Commission's authority to prescribe a uniform system of accounts and to require jurisdictional utilities to keep accounts in the manner prescribed is well-settled. *See* Kansas Gas and Electric Company, 43 FERC ¶ 61,248 at 61, 675 (1988); *accord*, Union Electric Company, 52 FERC ¶ 61,279 at 62,109 (1990) (*Union Electric*).

This commission is not bound by a state commission's determinations regarding either accounting or ratemaking. *See, e.g., Union Electric*, 52 FERC at 62,112 (*citing* Kentucky Utilities Company v. FERC, 760 F.2d 1321, 1327 (D.C. Cir. 1985)).

[16] *Accord*, H.R. Rep. No. 74–1318, at 31 (1935).

[17] *See, e.g.*, Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, 23 FPC 772, 773–74 (1960).

[18] *See e.g.*, 18 CFR Part 101, Definition 12 and Account 108 (1996).

[19] *Accord*, H.R. Rep. No. 74–1318, at 31 (1935).

[20] *See Midwest Power*, 67 FERC at 61,209–09. As the Commission stated in *Midwest Power*, 67 FERC at 61,208, the Commission has a ''statutory obligation to ensure that proper amounts of depreciation are charged to expense in each financial reporting period.''

[21] Under the APA, 5 U.S.C. § 553(b)(A) (1994), the notice requirements otherwise applicable to notices of proposed rulemaking are not required for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice, * * *'' unless specifically required by statute. Additionally, the FPA itself contains no requirement for formal notice and comment procedures. *See* 16 U.S.C. § 825h (1994); *accord*, 16 U.S.C. §§ 825(a), 825a(a) (1994) (sections 301 and 302 of the FPA nowhere specifically provide for formal notice and comment procedures before the Commission may adopt rules and regulations applicable to accounting or depreciation).

Moreover, consistent with the Commission's practice to publish notice of requests to change depreciation rates for accounting practices, *see supra* note 13, Midwest Power's request for declaratory order in this proceeding was noticed in the **Federal Register**. *See* 79 FERC at 61,794; 59 Fed. Reg. 55, 472 (1994). We note that the Iowa Utilities Board filed a notice of intervention in response to the **Federal Register** notice and thus was a party to the proceeding, *see* 79 FERC at 61,794, but it did not file in response to the May 15 order.

[22] *See, e.g.*, General Motors Corp. v. Ruckelshaus, 742 F.2d 1561, 1565 (D.C. Cir. 1984), *cert. denied*, 471 U.S. 1074 (1985); *accord*, Orengo Caraballo v. Reich, 11 F.3d 186, 195 (D.C. Cir. 1993); United Technologies Corp. v. EPA, 821 F.2d 714, 718-20 (D.C. Cir. 1987).

[23] *Accord*, National Wildlife Federation v. Babbitt, 835 F. Supp. 654, 666–67 (D.D.C. 1993).

the Code of Federal Regulations or by invoking its general legislative authority under Part II of the FPA. Finally, the May 15 order does not constitute an amendment of a prior legislative rule. We conclude, therefore, that the May 15 order is an interpretative rule.

Moreover, in this regard, the May 15 order did not set a depreciation rate for accounting purposes for Southern (or any public utility or licensee).[24] It merely reminded all public utilities and licensees of the need to obtain Commission authorization for changes in their depreciation rates for accounting purposes.

We also are not persuaded by Southern's arguments that changes in the electric utility industry somehow warrant allowing entities not to comply with the requirement that we approve their depreciation rates for accounting purposes. While Southern suggests that the movement to market-based power sales rates warrants our relieving public utilities and licensees of the requirement that they file, the fact is that there yet remain many cost-based power sales rates, as well as cost-based transmission rates, that reflect the companies' depreciation rates.[25] Nevertheless, we have strived to comply with out statutory responsibilities in the least burdensome, and the most expeditious, manner possible. Our intent is not to unduly burden the industry, but to fulfill our statutory responsibilities. Thus, we have allowed an amnesty period until the end of the year for these filings. Additionally, we allow these filings to be made under Rule 204 of the Commission's Rules of Practice and Procedure, 18 CFR § 285.204 (1996), which does not require payment of a filing fee. We also expect that the vast majority of these filings can be processed expeditiously by the Office of the Chief Accountant.[26]

Finally, we disagree with Southern's contention that this Commission should regulate depreciation accounting practices of jurisdictional public utilities only to the extent that the underlying capital is dedicated to jurisdictional service. The Commission's authority to prescribe a uniform system of accounts and to require a public utility to keep accounts accordingly is not open to doubt.[27] If a state desires a utility to keep a separate set of books for retail ratemaking purposes, however, the state is free to direct the utility to do so.[28]

The Commission orders

(A) Southern's motion to intervene out of time is hereby granted, as discussed in the body of this order.

(B) Southern's request for rehearing is hereby denied, as discussed in the body of this order.

(C) The Secretary shall promptly publish a copy of this order in the **Federal Register**.

(D) The Secretary shall promptly serve copies of this order on all State commissions, as defined in section 3(15) of the Federal Power Act.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 97–28540 Filed 10–27–97; 8:45 am]

BILLING CODE 6717–01–M

[24] Indeed, even Midwest Power's request for a declaratory order was dismissed, as Midwest Power's depreciation rate change for accounting purposes was effective prior to *Midwest Power* and was based on sound depreciation accounting practices. 70 FERC at 61,793.

[25] *See, e.g.,* American Municipal Power-Ohio, Inc., *et al.,* 57 FERC ¶ 61,358 at 62,161 & n.5 (1991), *reh'g denied,* 58 FERC ¶ 61,182 (1992). For power marketers or other entities that only sell at market-based rates, the Commission does not prescribe depreciation rates for accounting purposes. Indeed, the Commission's accounting requirements under Part 101 of its regulations are typically waived for such entities. *See, e.g.,* PEC Energy Marketing, Inc. 79 FERC ¶ 61,329 at 62,433 (1997). Accordingly, those entities would not need to submit any filings pursuant to section 302 of the FPA.

[26] *See* 79 FERC at 61,794 n.8.

[27] *See supra* note 15 and accompanying text.

[28] Arkansas Power & Light Co. v. FPC, 185 F.2d 751, 752 (D.C. Cir. 1950), *cert. denied,* 341 U.S. 909 91951); *accord,* H.R. Rep. No. 74–1318, at 30–31 (1935); S. Rep. No. 74–621, at 53 (1935).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP98–29–000, CP98–30–000, CP98–31–000, and CP98–32–000]

North Atlantic Pipeline Partners, L.P.; Notice of Applications for Certificates of Public Convenience and Necessity, and for a Presidential Permit and Section 3 Authorization

October 22, 1997.

Take notice that on October 15, 1997, North Atlantic Pipeline Partners, L.P. (North Atlantic), 7500 Texas Commerce Tower, 600 Travis, Houston, Texas 77002, filed applications pursuant to Sections 3 and 7(c) of the Natural Gas Act (NGA). In Docket No. CP98–29–000, North Atlantic seeks a Presidential Permit and Section 3 authorization pursuant to Part 153 of the Commission's Regulations. In Docket No. CP98–30–000, North Atlantic seeks a Certificate of Public Convenience And Necessity to construct and operate natural gas pipeline facilities under Part 157, Subpart E of the Commission's Regulations.[1] In Docket No. CP98–31–000, North Atlantic seeks a Certificate of Public Convenience And Necessity for the transportation of natural gas under Part 284, Subpart G of the Commission's Reglations. Finally, in Docket No. CP98–32–000, North Atlantic seeks a Certificate of Public Convenience And Necessity for certain blanket construction and operation authorization under Part 157, Subpart F of the Commission's Regulations. North Atlantic's proposal is more fully set forth in the applications which are on file with the Commission and open to public inspection.

North Atlantic is a limited partnership formed under the laws of the State of Delaware. North Atlantic's general partner is North Atlantic Pipeline Company, L.L.C., a Delaware limited liability company, and North Atlantic's limited partner is Tatham Offshore, Inc. North Atlantic anticipates admitting additional limited partners.

In Docket No. CP98–30–000, North Atlantic wants authority to construct, own, operate and maintain about 190 miles of 42-inch diameter pipeline under Section 7(c) of the NGA and the Commission's optional certificate procedure under Part 157, Subpart E of the Commission's Regulations. The pipeline will extend from the United States-Canada International Boundary in the Gulf of Maine to a proposed point of interconnection in East Kingston, New Hampshire with the Joint Pipeline currently authorized to be owned by Maritimes & Northeast Pipeline, L.L.C. and Portland Natural Gas Tranmission System. About 179 miles of the pipeline will be offshore and about 11 miles will be onshore. The total estimated cost of the United States portion of the project is $472 million. (The Canadian portion of the project will initially go from Country Harbor, Nova Scotia to the United States-Canadian Boundary.)

North Atlantic says the initial design capacity of the pipeline is 590,000 Mcf per day or 615,370 dekatherms per day, which is currently limited due to pressure limitations on interconnecting upstream and downstream facilities; but ultimately, as upstream offshore Atlantic Canada gas fields are further developed, North Atlantic's facilities will have the capacity to deliver up to 2,200,000 Mcf of natural gas per day on a firm basis. North Atlantic says that its project will meet a growing demand for

[1] These are the Commission's Optional Certificate procedures. In the alternative, North Atlantic seeks the same natural gas facilities construction and operation certificate under Part 157, Subpart A of the Commission's Regulations. North Atlantic filed executed Letters of Interests with 6 shippers for 269,000 MMBtu per day of capacity.