

The Commission Orders

(A) Southern's request for rehearing of the September 25 Order is hereby denied.

(B) Previously-granted waivers of the requirement to file long-term (longer than one year in duration) transaction agreements are hereby rescinded on a prospective basis, effective 30 days after the issuance of a final order in this proceeding, as discussed in the body of this order.

(C) Pursuant to Ordering Paragraph (B), the reporting requirements applicable to power marketers for long-term (longer than one year in duration) transactions are hereby revised to match those applicable to traditional public utilities, effective 30 days after the issuance of a final order in this proceeding, as discussed in the body of this order.

(D) The entities listed in the caption of this order are hereby made parties to this proceeding.

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

By the Commission. Commissioner Bailey concurred with a separate statement attached.

Linwood A. Watson, Jr.,
Acting Secretary.

Bailey, Commissioner, *concurring*

I strongly support this order to the extent it equalizes the reporting requirements for both marketers and traditional utilities which have Commission authorization to sell power at market-based rates.

I have previously questioned the rationale, if any, for different reporting requirements for different types of sellers with market-based power sales authority.¹ I can see no reason, in a post-Order No. 888 world of increased competition and nondiscriminatory access to transmission service, to treat marketers any differently than traditional utilities for purposes of reporting their power sales transactions. I have been concerned that the disparity in reporting requirements could somehow confer a competitive advantage on those power sellers with a lesser reporting obligation and, perhaps, without the same obligation to disclose commercially sensitive information. Today's order removes that disparity.

I am less certain as to the desirability of the Commission's means to remove the disparity in reporting requirements. The Commission chooses to *increase* the reporting requirements applicable to power marketers by obligating them to file for Commission review all long-term power sales agreements (which now need only be reflected in quarterly transaction summaries). In my opinion, the better approach might be to

decrease the reporting requirements applicable to traditional utilities by allowing them to reflect their long-term transactions in the quarterly reports they currently are allowed to file for all short-term transactions.

Today's order explains why power marketers should not be particularly burdened by the new filing requirement, since long-term agreements typically are reduced to writing anyway. Today's order does not explain, however, how the filing (as opposed to the quarterly reporting) of long-term agreements by marketers and traditional utilities alike will materially help the Commission in its monitoring of competitive markets and in its responsibility to ensure that all wholesale power rates are just and reasonable.

I suspect the benefit, from the Commission's perspective, in the filing of long-term power sales agreements lies in the belief that the such filing will convey more and better information (on price, terms and conditions) than that reflected in the quarterly reports the Commission receives. If, so, I question whether the better approach is not to add to the filing requirements of power marketers, but rather to standardize and improve the quantity and quality of information reflected in the quarterly reports they submit.

Even if there is no general obligation to file long-term agreements, the Commission presumably would continue to require their filing to the extent they reflect a transaction among affiliates.² Moreover, since, as the order explains, the quarterly reporting requirement for short-term transactions is based on a discretionary waiver of the section 205 notice and filing requirement, the Commission could rescind that waiver, and require the filing of any agreement, at any time—such as upon the filing of a customer complaint. (This is analogous to the Commission's commitment to rescind any waiver of the Order No. 888 (open access tariff) and 889 (OASIS and separation of functions) requirements upon the filing of a customer complaint³).

It may be useful to consider this issue in a more global context. The Commission might want to consider that type of information it (and the public) needs from the sellers of power at market-based rates at the same time it considers other reporting and filing improvements—for example, at the time it considers revisions to the FERC Form 1 reporting requirements applicable to all public utilities.

And I am reluctant to insist upon generic improvements to Commission reporting and filing requirements in the context of our action on a single request for rehearing filed

² The Commission has long required power marketers with market-based rate authorization to commit in their tariffs not to sell power to or purchase power from an affiliated traditional utility, and vice versa, unless the Commission first approves such a transaction in a separate rate filing under section 205 of the FPA. *Cf., e.g.,* Detroit Edison Company, 80 FERC ¶ 61,348 (1997); GPU Advanced Resources, Inc., 81 FERC ¶ 61,335 (1997).

³ See Central Minnesota Municipal Power Agency, 79 FERC ¶ 61,260 at 61,127 (1997); Easton Utilities Commission, *et al.*, 83 FERC ¶ 61,334 (1998).

almost three years ago by a single utility in a particular adjudication. Today's order, recognizing the Commission's adoption of new policy, grants party status to power marketers, which might otherwise be caught off-guard, for the purpose of seeking rehearing of this rehearing order. I welcome any comment as to whether the Commission should employ a different method for equalizing the reporting and filing requirements applicable to power marketers and traditional utilities.

Vicky A. Bailey,
Commissioner.

[FR Doc 99-14120 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-645-000]

Trunkline Gas Company; Notice of Informal Technical Conference

May 28, 1999.

The Federal Energy Regulatory Commission (Commission) will convene an informal staff technical conference on June 28, 1999, at 2:00 p.m., in Room 3M3, of the Commission's offices at 888 First Street, N.E., Washington, D.C., to discuss Trunkline's answers to staff's data requests in the above-captioned proceeding. The conference is open to all interested persons.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 99-14176 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-102-000]

Wyoming Interstate Company, Ltd.; Notice of Availability of the Environmental Assessment for the Proposed Medicine Bow Lateral Project

May 28, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) that discusses the environmental impacts of the Medicine Bow Lateral Project proposed in the above-referenced docket. The proposed project would include the construction and operation of approximately 149 miles of 24-inch-diameter pipeline and 7,170 horsepower (hp) of compression.

¹ See *Clarksdale Public Utilities Commission v. Energy Services, Inc.*, 85 FERC ¶ 61,268 at 62,079-80 ((1998) concurring statement).

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Wyoming Interstate Company Ltd. (WIC) proposes to build new pipeline and compression facilities to increase the transportation capacity of its current system in Colorado and Wyoming. The new facilities would enable WIC to transport an additional 269 million cubic feet of natural gas per day from the Powder River Basin. Specifically, WIC seeks Commission authority to construct and operate the following facilities:

- 149 miles of 24-inch-diameter pipeline extending from WIC's existing mainline in Weld County, Colorado, to Converse County, Wyoming, where it would interconnect with nonjurisdictional gathering facilities;
- A new compressor station in Converse County, Wyoming, which would consist of one turbine-driven, centrifugal compressor unit rated at 7,170 hp;
- Two new meter stations in Converse County, Wyoming; and
- A new check meter and side valve at the interconnection with WIC's mainline in Weld County, Colorado.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208-1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, landowners, local newspapers and libraries, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow the instructions to ensure that your comments are received in time and properly recorded.

- Send two copies of your comments to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426.

- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR11.1;

- Reference Docket No. CP99-102-000; and

- Mail your comments so that they will be received in Washington, DC on or before June 28, 1999.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 395.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website (www.ferc.fed.us) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222. Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-14173 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP87-203-007]

CNG Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed CNG Tioga Expansion Project and Request for Comments on Environmental Issues

May 28, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an

environmental assessment (EA) that will discuss the environmental impacts of CNG Transmission Corporation's (CNG) proposal to modify the active storage field boundary, to authorize a protective boundary, and to convert certain observation wells to storage wells at CNG's Tioga Storage Complex in Tioga County, Pennsylvania.

CNG requests authority to operate four storage wells which were previously drilled as observation wells and converted to storage wells. In addition, CNG requests authorization to convert and operate two additional observation wells to storage wells. CNG would also construct 0.1 mile of 6-inch-diameter and 0.2 mile of 4-inch-diameter pipeline to connect these two wells to existing storage field pipeline facilities. CNG states that neither the certificated capacity nor the certified deliverability of the Tioga Storage Complex would be increased by the conversion of these wells. This EA on the CNG Tioga Expansion Project¹ will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to abandon, construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

Summary of the Proposed Project

CNG seeks authorization for the following:

- Operate four storage wells (well Nos. TW-209, TW-707, TW-708, and TW-800) which were previously drilled as observation wells and converted to storage wells.

¹ CNG Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.