

be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission’s regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Mail Stop PJ-12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

David P. Boergers,  
Secretary.

[FR Doc. 01-8863 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Declaration of Intention and Soliciting Comments, Motions To Intervene, and Protests

April 5, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Declaration of Intention.

b. *Docket No*: DI01-7-000.

c. *Date Filed*: March 27, 2001.

d. *Applicant*: Northern Illinois Hydropower.

e. *Name of Project*: Starved Rock Hydropower Plant.

f. *Location*: On the Illinois Waterway at the U.S. Army Corps of Engineer’s Starved Rock Lock and Dam, southeast of North Utica in LaSalle County, Illinois.

g. *Filed Pursuant to*: Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact*: Dennis Cohil, 801 Oakland Avenue, Joliet, IL 60435, telephone (815) 723-6314, FAX (815) 725-5687, E-Mail [damonzdunich@aol.com](mailto:damonzdunich@aol.com).

i. *FERC Contact*: Any questions on this notice should be addressed to Patricia W. Gillis (202) 208-0735, or E-mail address: [patricia.gillis@ferc.fed.us](mailto:patricia.gillis@ferc.fed.us).

j. *Deadline for filing comments and/or motions*: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary’s office. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s web site at <http://www.ferc.fed.us/efi/doorbell.htm>

Please include the docket number (DI01-7-000) on any comments or motions filed.

k. *Description of Project*: The proposed project would consist of: (1) a powerhouse located below the U.S. Army Corps of Engineer’s existing Starved Rock Lock and Dam, tentatively containing five generating units with a total installed capacity of 15.0MW, and (2) appurtenant facilities.

When a Notice of Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project’s head or generating capacity, or have otherwise significantly modified the project’s pre-1935 design or operation.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission’s Public Reference Room located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for

assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

n. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

David P. Boergers,  
Secretary.

[FR Doc. 01-8857 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Southwestern Power Administration

#### Integrated System Power Rate Schedules

**AGENCY**: Southwestern Power Administration, DOE

**ACTION**: Notice of rate order.

**SUMMARY**: The Secretary of Department of Energy has approved and placed into effect on an interim basis Rate Order No. SWPA-44, which provides the Integrated System Rate Schedules P-98D, Wholesale Rates for Hydro Peaking

Power and Rate Schedule NFTS-98D, Wholesale Rate for Non-Federal Transmission/Interconnection.

**FOR FURTHER INFORMATION CONTACT:** Mr. Forrest E. Reeves, Assistant Administrator, Office of Corporate Operations, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, OK 74101, (918) 595-6696, [reeves@swpa.gov](mailto:reeves@swpa.gov).

**SUPPLEMENTARY INFORMATION:** In May 2000, Southwestern Power Administration (Southwestern) completed its annual review of the adequacy of the current rate schedules for the Integrated System and finalized its FY 2000 Power Repayment (PRS). The FY 2000 Power Repayment for the Integrated System indicates that rates prescribed by Rate Schedules P-98C, Wholesale Rates for Hydro Peaking Power, and NFTS-98C, Wholesale Rates for Non-Federal Transmission Service, are sufficient to meet repayment criteria. However, certain aspects of the terms and conditions set forth in the rate schedules need to be revised.

Southwestern proposes to: (1) Revise the Limitations for Energy Imbalance Service provision to better clarify the hours and circumstances in which energy within the authorized bandwidth is to be returned to Southwestern, (2) to change the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking of reactive kilovolt amperes (VARs) from the system of Southwestern, (3) to add a new provision to provide for an Interconnection Facilities Service Charge to recover costs incurred for the use of Southwestern's transmission system, and (4) to make modifications to enhance clarity within the rate schedules. The net results of the 1997 Integrated System Power Repayment Studies, which was the basis for the existing rate schedules, will not be altered. The designations of the aforementioned rate schedules have been changed from P-98C and NFTS-98C to P-98D and NFTS-98D, respectively, to reflect the fact that revisions have been made.

Title 10, Part 903 Subpart A, of the Code of Federal Regulations, "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Part 903) have been followed in connection with the proposed revisions to the rate schedules. An opportunity for customers and other interested members of the public to review and comment on the proposed Rate Schedules P-98D and NFTS-98D was announced by notice published in the **Federal Register** (66 FR 9316), February 7, 2001, with written

comments due on or before March 9, 2001. In addition, Southwestern held informal meetings with numerous customers in which proposed changes were discussed. No written comments were received.

Information regarding these rate schedule changes, including revised schedules and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Suite 1400, One West Third Street, Tulsa, Oklahoma 74103.

#### Order

In view of the foregoing and under the authority vested in me as the Secretary of Energy, I hereby confirm and approve Rate Order No. SWPA-44 on an interim basis, through September 30, 2001, or until confirmed and approved on a final basis by the Federal Energy Regulatory Commission.

Dated: April 3, 2001.

**Spencer Abraham,**  
*Secretary.*

#### Department of Energy, Secretary of Energy

[Rate Order No. SWPA-44]

In the matter of: Southwestern Power Administration Integrated System Rates; Order Confirming, Approving and Placing Revised Power Rate Schedules In Effect on an Interim Basis

Pursuant to sections 301(b) and 302(a) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-108, effective December 14, 1983, 48 FR 55664, the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place into effect on an interim basis power and transmission rates, and delegated to the Federal Energy Regulatory Commission (FERC) on an exclusive basis the authority to confirm, approve and place in effect on a final basis, or to disapprove power and transmission rates. Amendment No. 1 to Delegation Order No. 0204-108, effective May 30, 1986, 51 FR 19744, revised the delegation of authority to confirm, approve and place into effect on an interim basis power and transmission rates by delegating such authority to the Under Secretary of Energy. This delegation was reassigned to the Deputy

Secretary of Energy by Department of Energy (DOE) Notice 1110.29, dated October 27, 1988, and clarified by Secretary of Energy Notice SEN-10-89, dated August 3, 1989, and subsequent revisions. By Amendment No. 2 to Delegation Order No. 0204-108, effective August 23, 1991, 56 FR 41835, the Secretary of the Department of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy, the authority which was previously delegated to the Deputy Secretary in that Delegation Order. By Amendment No. 3 to Delegation Order No. 0204-108, effective November 10, 1993, the Secretary of Energy re-delegated to the Deputy Secretary of Energy, the authority to confirm, approve and place into effect on an interim basis power and transmission rates of the Power Marketing Administrations. By notice, dated April 15, 1999, the Secretary of Energy rescinded the authority of the Deputy Secretary of Energy under Delegation Order No. 0204-108. By Delegation Order No. 0204-172, effective November 11, 1999, the Secretary of Energy again provided interim rate approval authority to the Deputy Secretary of Energy. Because there is no Deputy Secretary at the present time, the Secretary of Energy has exercised his authority to confirm, approve, and place into effect on an interim basis the rates in Southwestern Rate Order No. SWPA-44.

#### Background

In May 2000, Southwestern Power Administration (Southwestern) completed its annual review of the adequacy of the current rate schedules for the Integrated System and finalized its FY 2000 Power Repayment Studies (PRS). The FY 2000 Power Repayment Studies for the Integrated System indicates that rates prescribed by rate schedules P-98C, Wholesale Rates for Hydro Peaking Power, and NFTS-98C, Wholesale Rates for Non-Federal Transmission Service, are sufficient to meet repayment criteria. However, certain aspects of the terms and conditions set forth in the rate schedules need to be revised. Southwestern proposes to: (1) Revise the Limitations for Energy Imbalance Service provision to better clarify the hours and circumstances in which energy within the authorized bandwidth is to be returned to Southwestern, (2) to change the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking reactive kilovolt amperes (VARs) from the system of Southwestern, (3) to add a new provision to provide for an

Interconnection Facilities Service Charge to recover costs incurred for the use of Southwestern's transmission system, and (4) to make modifications to enhance clarity within the rate schedules. The net results of the 1997 Integrated System Power Repayment Studies, which was the basis for the existing rate schedules, will not be altered. The designations of the aforementioned rate schedules have been changed from P-98C and NFTS-98C to P-98D and NFTS-98D, respectively, to reflect the fact that revisions have been made.

Title 10, Part 903 Subpart A, of the Code of Federal Regulations, "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Part 903) have been followed in connection with the proposed revisions to the rate schedules. An opportunity for customers and other interested members of the public to review and comment on the proposed Rate Schedules P-98D and NFTS-98D was announced by notice published in the **Federal Register** (66 FR 9316), February 7, 2001, with written comments due on or before March 9, 2001. In addition, Southwestern held informal meetings with numerous customers in which proposed changes were discussed. No written comments were received.

### Discussion

Rate Schedule P-98D applies to wholesale customers purchasing Federal Hydro Peaking Power and Peaking Energy from the Integrated System. Rate Schedule NFTA-98D applies to wholesale customers purchasing Non-Federal Point-to-Point and Network Integration Transmission Service. Provisions in the rate schedules are being revised to reflect minor corrections and modifications for the purpose of clarification and to address specific issues that have arisen relative to industry restructuring since the last rate schedule approval. Southwestern has clarified the Energy Imbalance Service provision to specify the hours and circumstances in which energy within the authorized bandwidth is to be returned to the providing party, and has revised the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking of reactive kilovolt amperes (VARS) from the system of Southwestern. In addition, Southwestern is adding a new provision for an Interconnection Facilities Service Charge. This charge will be applicable to interconnection requests for which Southwestern does not otherwise receive benefits or compensation for the use of Federal facilities. At this time,

Southwestern does not anticipate any substantive change in revenues as a result of these changes which would impact revenue requirements. Southwestern does not forecast for penalties and currently has no contractual arrangements to which the Interconnection Facilities Service Charge would be applied.

Southwestern has revised language in the NFTA-98D rate schedule under the provision for Limitations for Energy Imbalance Service to clarify the hours and conditions in which the use of energy within the authorized bandwidth is to be returned to Southwestern. Energy within the authorized bandwidth for this service is accounted for as an inadvertent flow. The current language specifies that the energy is to be returned "in like hours and similar circumstances." The lack of clarification of this language has provided an opportunity for transmission customers to use the bandwidth during high-value on-peak demand periods and to return the energy during low-value off-peak demand times. The hours and circumstances in which energy is returned become very important, particularly during summer peak periods when the value of energy is high and the capability of Southwestern to provide such energy from its during those times is typically low. The revised provision provides for a separate inadvertent monthly accumulation for each hour. Each month, any hourly month-end balance that exceeds 12 MWHs will be subject to a penalty. It is anticipated that this process will allow for the use of the authorized bandwidth and yet provide for a method to return the energy within the bandwidth in like hours and within a reasonable time frame.

Southwestern has revised the Power Factor Penalty provision in both the P-98D and NFTA-98D rate schedules to charge for all Demand Periods (the 60-minute period which begins with the change of hour) of a month which contribute to a power factor of less than 95 percent lagging. Currently, this penalty is based on the customer's peak demand in kilowatts at the point of delivery for the month in which a low power factor was calculated. This change will allow Southwestern to better align the penalty with the reactive kilovolt amperes (VARS) taken from the system of Southwestern. This penalty will provide an incentive for customers to look for the cause of their low power factor and take necessary actions to correct the problem.

Southwestern has added a new provision, Interconnection Facilities Service Charge, to the NFTA-98D to

provide compensation to Southwestern for the use of the Federal transmission system for those interconnections that do not provide any other compensating benefit. Historically, Southwestern has secured compensating benefits for the use of its facilities to provide an interconnection on its transmission system. The electric industry's transitioning toward a regionally-operated transmission grid, the uncertainty that surrounds many of the impacts on Southwestern, and the need for a mechanism to recover the cost for the use of the System of Southwestern wherein the Federal government receives no compensating benefit, have contributed to the need to establish a charge for interconnections. Pursuant to the Flood Control Act of 1944, Southwestern must recover its costs for the use of its system.

### Comments and Responses

Southwestern has received no formal written comments regarding these Rate Schedule changes.

### Other Issues

There were no other issues raised during the informal meetings or during the formal public participation period. However, during the public participation period, Southwestern re-examined the penalty language included in the Power Factor Penalty provision of the **Federal Register** (26 FR 9316) proposal, dated February 7, 2001, and its applicability based on data that has since become available. Southwestern determined that the formula was too complex and appeared to create a penalty that was unreasonably high. Based on this analysis, Southwestern also determined that the penalty could be simplified by making it similar to the original language, while revising the formula to charge on an hourly Demand basis when the power factor was below 95 percent lagging. This revised formula will still allow Southwestern to better align the penalty with the VARS taken from the System of Southwestern and provide an incentive for customers to look for the cause of their low power factor and take necessary actions to provide an appropriate power factor on their own transmission systems.

### Administrator's Certification

The revised rate schedules will repay all costs of the Integrated System including amortization of the power investment consistent with the provisions of Department of Energy Order No. RA 6120.2. In accordance with Section 1 of Delegation Order No. 0204-108, as amended November 10, 1993, 58 FR 59717, and Section 5 of the

Flood Control Act of 1944, the Administrator has determined that the proposed Integrated System Rate Schedules are consistent with applicable law and the lowest possible rates consistent with sound business principles.

#### Environment

No additional evaluation of the environmental impact of the proposed rate schedule changes was conducted since no change has been made to the currently-approved Integrated System rates which were determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment pursuant to the procedural provisions of the National Environmental Policy Act, 10 CFR 1021.

#### Order

In view of the foregoing and under the authority vested in me as the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective April 1, 2001, the Southwestern Integrated System Rate Schedules P-98D and NPTS-98D, which shall remain in effect on an interim basis through September 30, 2001, or until the FERC confirms and approves the rates on a final basis.

Dated: April 3, 2001.

**Spencer Abraham,**  
Secretary.

[FR Doc. 01-8900 Filed 4-10-01; 8:45 am]

BILLING CODE 6450-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

[EB Docket No. 01-61; FCC 01-74]

#### Amateur Radio Station and General Class Operator License KC4HAZ and General Mobile Radio Service Station KAE1170

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document by the Commission has taken the following actions: ordered a hearing to determine whether the station licenses held by Leslie D. Brewer for Amateur Radio Station and General Class Operator License KC4HAZ and General Mobile Radio Service Station KAE1170, Tampa, Florida, should be revoked; suspended Leslie D. Brewer's Amateur radio operator's license; and issued a notice of apparent liability for a forfeiture in the

amount of \$11,000 for Leslie D. Brewer's apparent willful and/or repeated operation of unlicensed FM radio facilities in Tampa, Florida. The Commission has determined that serious questions exist as to whether Leslie D. Brewer has willfully and repeatedly violated the Communications Act of 1934, as amended, and the Commission's rules, and the effect thereof on his basic qualifications to be and remain a Commission licensee.

**ADDRESSES:** Federal Communications Commission, Enforcement Bureau, 445 12th Street, SW., Washington, DC. 20554.

**FOR FURTHER INFORMATION CONTACT:** Roy Boyce or Dana Leavitt, Enforcement Bureau, Investigations and Hearings Division (202) 418-1420.

**SUPPLEMENTARY INFORMATION:** This is a summary of an Order to Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture ("Order") in EB Docket No. 01-61, adopted by the Commission on February 22, 2001, and released on March 5, 2001. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at 202-857-3800, CY-B400, 445 12th Street, SW., Washington, DC.

#### Summary of Order To Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture

1. The Commission has commenced a hearing proceeding to determine whether Leslie D. Brewer ("Brewer"), licensee of Amateur radio station and General Class Operator License KC4HAZ and General Mobile Radio Station KAE1170, Tampa, Florida, is qualified to be or remain a Commission licensee. The record before the Commission indicates that Brewer has apparently willfully and/or repeatedly engaged in unlawful Commission-related activities, including the operation of unlicensed (i.e., "pirate") FM radio broadcast facilities in the Tampa, Florida area and the marketing of unauthorized FM broadcast transmitting equipment. Pursuant to sections 312(a)(2), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended ("the Act"), Leslie D. Brewer is ordered to show cause why the station licenses for Stations KC4HAZ and KAE1170 should not be revoked, at

a hearing proceeding before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether Leslie D. Brewer willfully and/or repeatedly violated section 301 of the Act by operating unlicensed broadcast facilities in 1996, 1997, 1999, and/or 2000, and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(b) To determine whether Leslie D. Brewer willfully and/or repeatedly violated section 301 of the Act by operating an unlicensed Studio-to-Transmitter Link in 1999 and/or 2000, and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(c) To determine whether Leslie D. Brewer willfully and/or repeatedly violated §§ 2.803(a)(1) and/or 15.201(b) of the Commission's rules by marketing and/or selling an unauthorized radio frequency device or devices and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Leslie D. Brewer is qualified to be and remain a Commission licensee.

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the licenses for KC4HAZ and KAE1170 should be revoked.

2. The Commission also ordered that it be determined, pursuant to section 503, whether an Order of Forfeiture in an amount not to exceed \$11,000 should be issued against Leslie D. Brewer for willfully and/or repeatedly violating section 301 of the Act on March 11, 2000.

3. Furthermore, the Commission ordered that, pursuant to section 303(m)(1)(A) of the Act and § 1.85 of the Commission's rules, Leslie D. Brewer's Amateur radio operator license is suspended for the duration of its term. The suspension shall take effect 15 calendar days after receipt by Brewer of the Order, unless, within such time, Brewer requests in writing a hearing on the matter of the suspension, in which instance, the suspension of operator license KC4HAZ shall be held in abeyance pending conclusion of the hearing. If Leslie D. Brewer timely requests in writing a hearing on the matter of suspension of his Amateur radio operator license, such hearing will be held in a consolidated proceeding to determine the issues in 1(a) through (d) above, and to determine whether Amateur radio operator license