

In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "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, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. 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.

**Linwood A. Watson, Jr.,**  
*Deputy Secretary.*

[FR Doc. 02-28310 Filed 11-5-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL03-22-000]

#### California Independent System Operator Corporation, California Electricity Oversight Board, Public Utilities Commission of the State of California, and San Diego Gas & Electric Company, Complainants, v. Cabrillo Power I LLC, Respondent; Notice of Complaint

October 31, 2002.

Take notice that on October 30, 2002, the California Independent System Operator Corporation (the ISO), the California Electricity Oversight Board, the Public Utilities Commission of the State of California and San Diego Gas & Electric Company submitted a complaint pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, against Cabrillo Power I LLC alleging that certain rates, referred to as the Fixed Option Payments, in the respective reliability must run (RMR) contracts between the ISO and respondent are unjust and unreasonable.

Complainants state that the allegations, facts, and relief requested in this proceeding are identical to those in Docket No. EL02-15-000, except that the complaint filed in that Docket did not include Encina unit number 4, which the ISO had not designated as an RMR unit for 2002. The ISO has indicated that unit number 4 will be designated as an RMR unit for the year 2003. Complainants ask that the Commission set a refund date of January 1, 2003, consolidate this proceeding with Docket No. EL02-15-000, and defer further action pending its decision on exceptions in Docket No. ER98-495-000.

Copies of the complaint were served on respondent and on other interested parties.

Any person desiring to be heard or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). 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. The answer to the complaint and all comments, interventions or protests must be filed on or before November 19, 2002. This filing is 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 "FERRIS" 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](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866)208-3676, or for TTY, contact (202)502-8659. The answer to the complaint, comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

**Linwood A. Watson, Jr.,**  
*Deputy Secretary.*

[FR Doc. 02-28305 Filed 11-5-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EC02-23-004, et al.]

#### Trans-Elect, Inc., et al.; Electric Rate and Corporate Filings

October 29, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

#### 1. Trans-Elect, Inc.; Michigan Transco Holding, Limited Partnership, and ER02-320-006, Consumers Energy Company, and Michigan Electric Transmission Company.

[Docket Nos. EC02-23-004]

Take notice that on October 23, 2002, Michigan Electric Transmission Company, LLC submitted the response to Commission's letter issued on September 23, 2002 in the referenced proceedings.

Copies of the transmittal letter included as part of this filing were served on all parties on the Commission's official service list in these proceedings and on all affected state commissions.

*Comment date:* November 13, 2002.

#### 2. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03-86-000]

Take notice that on October 24, 2002, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) tendered for filing proposed revisions to

its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Second Revised Volume No. 1 in order to accommodate the participation of independent transmission companies (ITCs) in the Midwest ISO. The Midwest ISO has requested an effective date of December 23, 2002.

The Midwest ISO has requested waiver of the requirements set forth in 18 CFR 385.2010. The Midwest ISO has electronically served a copy of this filing upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, the filing has been electronically posted on the Midwest ISO's Web site at [www.midwestiso.org](http://www.midwestiso.org) under the heading "Filings to FERC" for other interested parties in this matter. The Midwest ISO will provide hard copies to any interested parties upon request.

*Comment Date:* November 14, 2002.

### 3. American Electric Power Service Corporation

[Docket No. ER03-87-000]

Take notice that on October 25, 2002, the American Electric Power Service Corporation (AEPSC) tendered for filing an executed Interconnection and Operation Agreement between Appalachian Power Company and Mirant Danville, LLC. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Third Revised Volume No. 6, effective July 31, 2001.

AEP requests an effective date of December 23, 2002. A copy of the filing was served upon Mirant Danville and Virginia State Corporation Commission.

*Comment Date:* November 15, 2002.

### 4. Cleco Utility Group, Cleco Utility Group, Inc. Docket No. OA97-325-002

[Docket No. OA97-282-002]

Take notice that on October 25, 2002, Cleco Power LLC submitted a filing in compliance with the Federal Regulatory Commission's September 25, 2002 Order.

*Comment Date:* November 25, 2002.

### Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214). 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. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EG03-9-000, et al.]

### Twelvepole Creek, LLC, et al.; Electric Rate and Corporate Filings

October 30, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

#### 1. Twelvepole Creek, LLC

[Docket No. EG03-9-000]

Take notice that on October 28, 2002, Twelvepole Creek, LLC (Twelvepole Creek) tendered for filing an application for a new determination of exempt wholesale generator status, pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, (PUHCA), 15 U.S.C. 79z-5a(a)(1) (2000), and Section 365.8 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 365.8.

Twelvepole Creek is a Delaware limited liability company that leases and operates an approximately 504-MW electric generating facility located in

Wayne County, West Virginia. Twelvepole Creek states that it will be engaged directly, or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of operating an eligible facility, and selling electric energy at wholesale.

*Comment Date:* November 20, 2002.

#### 2. Edison Source

[Docket No. ER02-2563-001]

Take notice that on October 3, 2002, Edison Source tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its filing in the above-referenced docket concerning the termination of the PX Participation Agreement with the California Power Exchange Corporation, dated March 17, 1998, and its Addendum, dated March 17, 1998; and withdrawing Edison Source's Standing Request Relating to inter-Scheduling Coordinator Trades, dated June 5, 1998.

Edison Source requests that the above termination and withdrawal become effective October 16, 2002. *Comment Date:* November 12, 2002.

#### 3. MidAmerican Energy Company

[Docket No. ER03-12-001]

Take notice that on October 28, 2002, MidAmerican Energy Company (MidAmerican), filed with the Commission a revised filing of the Electric Transmission Interconnection Agreement between Iowa Public Service Company n/k/a MidAmerican Energy Company, dated March 1, 1991, incorporating the Fifth Amendment to the Agreement, dated June 28, 2002, which was filed on October 3, 2002.

MidAmerican requests an effective date of the later of the effective date of the acceptance of this Agreement by the Commission or the approval of this Agreement, incorporating the Fifth Amendment by the Administrator of the Rural Utilities Service or the successor in interest to the Administrator, if the approval of the Administrator or such successor is required by law. MidAmerican has served a copy of the filing on the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission. *Comment Date:* November 18, 2002.

#### 4. Liberty Electric Power, LLC

[Docket No. ER03-88-000]

Take notice that on October 28, 2002 Liberty Electric Power, LLC (Liberty) tendered for filing, pursuant to section 205 of the Federal Power Act (16 U.S.C. 824d), and Part 35 of the Federal Energy