

Transmission and Energy Markets Tariff (Tariff) consistent with earlier Commission orders, 102 FERC ¶61,196 (2003); *order on reh'g*, 103 FERC ¶61,120 (2003); 105 FERC ¶ 61,145 (2003), *reh'g denied*, 105 FERC ¶61,272 (2003). The Tariff includes those terms and conditions that the Midwest ISO states are necessary for the implementation of the Midwest ISO's Centralized Security Constrained Economic dispatch supported by Day-Ahead and Real-Time Energy Markets and congestion management provisions based on Locational Marginal Pricing and Financial Transmission Rights within the Midwest ISO Region.

The Midwest ISO has also requested waiver of the service requirements set forth in 18 CFR 385.2010. The Midwest ISO has electronically served a copy of this filing, with attachments, 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:* May 7, 2004.

## 8. Midwest Energy, Inc.

[Docket No. ES04-17-000]

Take notice that on March 26, 2004, the Midwest Energy, Inc. (Midwest Energy) submitted an application pursuant to section 204 of the Federal Power Act requesting that the Commission: (1) Authorize Midwest Energy to borrow up to \$38 million in long-term debt under a Loan Agreement between Midwest Energy and the National Rural Utilities Cooperative Finance Corporation during the two-year period commencing July 1, 2004; and (2) authorize Midwest Energy to borrow up to \$15 million in short-term debt during the two year period commencing July 1, 2004.

Midwest Energy also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2. *Comment Date:* April 22, 2004.

## 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.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-787 Filed 4-8-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC04-38-001, et al.]

#### Duke Energy Marketing America, LLC, et al.; Electric Rate and Corporate Filings

April 1, 2004.

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

#### 1. Duke Energy Marketing America, LLC and Engage Energy, LLC

[Docket No. EC04-38-001]

Take notice that on March 29, 2004, Duke Energy Marketing America, LLC (DEMA) and Engage Energy, LLC (Engage) filed with the Commission a request for additional flexibility pursuant to section 203 of the Federal Power Act in implementing DEMA's acquisition of Engage.

*Comment Date:* April 19, 2004.

## 2. Great Bay Hydro Corporation

[Docket No. EG04-46-000]

On March 30, 2004, Great Bay Hydro Corporation (Great Bay), a corporation organized under the laws of the State of New Hampshire, filed with the Federal Energy Regulatory Commission (the Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations and section 32 of the Public Utility Holding Company Act of 1935 (PUHCA).

Great Bay states that copies of the application were served upon the Securities and Exchange Commission, the New Hampshire Public Utilities Commission, the Vermont Public Service Board and the Vermont Department of Public Service.

*Comment Date:* April 20, 2004.

## 3. Northeast Utilities Service Company, the Connecticut Light and Power Company, Public Service Company of New Hampshire, and Western Massachusetts Electric Company

[Docket No. EL04-92-000]

Take notice that on March 26, 2004, Northeast Utilities Service Company, on behalf of The Connecticut Light and Power Company, Public Service of New Hampshire, and Western Massachusetts Electric Company (collectively, Applicants), tendered for filing a request for the Commission to issue an order approving the Applicants' proposed reclassification of transmission and distribution facilities.

*Comment Date:* April 23, 2004.

## 4. R.W. Beck Plant Management, Ltd.

[Docket No. EL04-93-000]

Take notice that on March 29, 2004, R.W. Beck Plant Management Ltd. (Beck) filed with the Commission an application requesting that the Commission issue an order (1) Disclaiming Federal Power Act (FPA) jurisdiction over Beck, (which acts as manager of a company that owns a currently idle 526 MW electric generating facility in Attala County, Mississippi) or, in the alternative, granting certain waivers of the Commission's regulations, and (2) confirming that Beck requires no additional FPA section 203 approval before operations at the facility recommence.

*Comment Date:* April 14, 2004.

## 5. Redbud Energy, LP

[Docket No. ER01-1011-002]

Take notice that on March 29, 2004, Redbud Energy LP (Redbud), submitted for filing its triennial updated market analysis and certain revisions to its

FERC Electric Tariff, Original Volume No. 1 to include incorporation of the Market Behavior Rules set forth in *Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations*, 105 FERC ¶ 61,218 (2003).

*Comment Date:* April 19, 2004.

#### **6. XL Weather & Energy Inc. and XL Trading Partners America LLC**

[Docket Nos. ER03-330-002 and ER04-350-001]

Take notice that on March 26, 2004, XL Weather & Energy Inc. (XL Weather) and XL Trading Partners America LLC (XL Trading America) submitted notification of a non-material change in the characteristics that the Commission relied upon in granting XL Weather's and XL Trading America's market-based rate authorizations.

*Comment Date:* April 16, 2004.

#### **7. New England Power Pool**

[Docket No. ER04-335-002]

Take notice that on March 29, 2004, the New England Power Pool (NEPOOL) Participants Committee filed changes to section 10 of NEPOOL Market Rule 1 in compliance with the Commission's order issued February 27, 2004, in Docket No. ER04-335-000, *New England Power Pool*, 106 FERC ¶ 61,190 (2004).

The NEPOOL states that copies of these materials were sent to the NEPOOL Participants and the New England State governors and regulatory commissions.

*Comment Date:* April 19, 2004.

#### **8. Vermont Electric Cooperative, Inc.**

[Docket No. ER04-341-001]

Take notice that on March 29, 2004, Vermont Electric Cooperative, Inc. (VEC) tendered for filing certain proposed revisions to its Open Access Transmission Tariff and proposed First Revised Rate Schedules FERC Nos. 3-9, as well as certain cost information. VEC states that the filing is intended to comply with the requirements of the Commission's order issued in Docket No. ER04-341-000 on February 12, 2004. Consistent with this order, VEC requests an effective date for its proposed revisions as of the date of the closing under a Purchase and Sale Agreement by which VEC has agreed to purchase from Citizens Communications Company (Citizens) certain electric transmission and distribution facilities in Vermont.

VEC states that each of the customers under the OATT and rate schedules, Citizens, the Vermont Public Service Board, and the Vermont Department of

Public Service were mailed copies of the filing.

*Comment Date:* April 19, 2004.

#### **9. New York Independent System Operator, Inc.**

[Docket Nos. ER03-552-008 and ER03-984-006]

Take notice that on March 29, 2004, the New York Independent System Operator, Inc. (NYISO) submitted a report regarding potential settlement and customer credit enhancements in compliance with the Commission's order issued September 22, 2003, in Docket No. ER03-352-000, *et al.*

*Comment Date:* April 19, 2004.

#### **10. Tucson Electric Power Company**

[Docket No. ER04-648-001]

Take notice that on March 29, 2004, Tucson Electric Power Company (Tucson) submitted a Certificate of Concurrence to the March 15, 2004, filing in Docket No. ER04-648-000 by Public Service Company of New Mexico of the 2004 Interim Invoicing Agreement for the San Juan Generating Station, dated as of January 31, 2004.

Tucson states that a copy of this filing has been mailed to all interested parties.

*Comment Date:* April 19, 2004.

#### **11. New England Power Pool**

[Docket No. ER04-677-000]

Take notice that on March 29, 2004, the New England Power Pool (NEPOOL) Participants Committee filed materials to implement arrangements to compensate Exelon New England Holdings, LLC for costs incurred in connection with the operation of its Mystic 8 and 9 Units on January 14-16, 2004, at the direction of ISO New England Inc. NEPOOL requests an effective date of one business day following a Commission order accepting the filing, but in no event later than May 28, 2004.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL Participants and the New England State governors and regulatory commissions.

*Comment Date:* April 19, 2004.

#### **12. PPL Electric Utilities Corporation**

[Docket No. ER04-679-000]

Take notice that on March 29, 2004, PPL Electric Utilities Corporation (PPL Electric) filed an Interchange Scheduling Agreement between PPL Electric and Mt. Carmel Cogen, Inc.

PPL Electric states that a copy of this filing has been provided to Mt. Carmel Cogen, Inc.

*Comment Date:* April 19, 2004.

#### **13. West Penn Power Company**

[Docket No. ER04-681-000]

Take notice that on March 29, 2004, Allegheny Energy Service Corporation on behalf of West Penn Power Company (West Penn) tendered for filing pursuant to the Commission's regulations, 18 CFR 35.15, a Notice of Cancellation of West Penn Power Company, Rate Schedule FERC No. 102, consisting of a Transition Service Agreement with Letterkenny Industrial Development Authority. West Penn requests an effective date of May 2, 2004, for the cancellation.

*Comment Date:* April 19, 2004.

#### **14. Central Maine Power Company**

[Docket No. ER04-682-000]

Take notice that on March 29, 2004, Central Maine Power Company (CMP) tendered for filing an Executed Service Agreement for Non-Firm Local Point-to-Point Transmission Service between CMP and Androscoggin Reservoir Company designated as CMP-FERC Electric Tariff, Fifth Revised Volume No. 3, First Revised Service Agreement Number 194.

*Comment Date:* April 19, 2004.

#### **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.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E4-788 Filed 4-8-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2835-005 New York]

#### New York State Electric and Gas Corporation; Notice of Availability of Environmental Assessment

April 2, 2004.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for relicensing the Rainbow Falls Hydroelectric Project located on the Ausable River in Clinton and Essex counties, New York, and has prepared an Environmental Assessment (EA) for the project. The EA contains the staff's analysis of the potential environmental effects of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA 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 "eLibrary" 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.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix "Rainbow Falls Project No. 2835-005" to all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. For further information, contact Jack Hannula at (202) 502-8917 or by E-mail at [John.Hannula@ferc.gov](mailto:John.Hannula@ferc.gov).

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E4-798 Filed 4-8-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Records Governing Off-the Record Communications; Public Notice

April 2, 2004.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file

associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are 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 eLibrary (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.

Docket no.	Date filed	Presenter or requester
<b>Prohibited</b>		
1. Project No. 2342-000 .....	3-25-04	Kathy B. Newman.
2. Project No. 2342-000 .....	4-01-04	Aimee Durden.
4. CP04-58-000 .....	3-29-04	Michael Boyd.
<b>Exempt</b>		
1. ER04-316-000 .....	3-24-04	Hon. Doug Ose.
2. CP03-75-000 .....	3-31-04	Ken Gathright.
3. CP03-75-000 .....	3-31-04	Frederick T. Werner.