

proceeding can ask for court review of Commission orders in the proceeding.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

*Comment Date:* March 9, 2005.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5-914 Filed 3-4-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EG05-47-000, et al.]

#### CER Termobahia, LLC, et al.; Electric Rate and Corporate Filings

February 28, 2005.

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

##### 1. CER Termobahia, LLC

[Docket No. EG05-47-000]

Take notice that on February 24, 2005, CER Termobahia, LLC, a Delaware limited liability company (Applicant), with its principal executive office at 1930 Burnt Boat Drive, Bismarck, North Dakota, 58503, filed with the Federal Energy Regulatory 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, as amended.

Applicant states it will own, in part, a 190 MW natural-gas fired, combined-cycle electrical generating facility located in the State of Bahia, near Salvador, Brazil (the facility). Applicant further states that it will be engaged directly and exclusively in the business of owning and operating an eligible facility and none of the electric energy produced from the facility will be sold into the United States either at retail or otherwise.

*Comment Date:* 5 p.m. Eastern Time on March 17, 2005.

##### 2. Public Service Company of New Mexico

[Docket Nos. ER96-1551-011, ER01-615-008]

Take notice that on February 18, 2005, Public Service Company of New Mexico (PNM) submitted a filing in response to

the Commission's December 20, 2004 order in the above-captioned proceedings. *Public Service Company of New Mexico*, 109 FERC ¶ 61,296 (2004) (December 20 Order). PNM states that the purpose of its filing is to submit revised market power analyses and information as required by the Commission in the December 20 Order.

PNM states that copies of the filing were served on parties on the official service lists in the above-captioned proceedings.

*Comment Date:* 5 p.m. Eastern Time on March 11, 2005.

##### 3. Pinnacle West Capital Corporation, Arizona Public Service Company, Pinnacle West Energy Corporation, APS Energy Services, Inc.

[Docket Nos. ER00-2268-010, EL05-10-000, ER99-4124-008, EL05-11-0000, ER00-3312-009, EL05-12-000, ER99-4122-011, EL05-13-000]

Take notice that on February 18, 2005, the Pinnacle West Capital Corporation (PWCC), the Arizona Public Service Company (APS), the Pinnacle West Energy Corporation (PWECC) and APS Energy Services Company, Inc. (APSES) (collectively, Pinnacle West Companies) filed with the Commission a response to the Commission's Order dated December 20, 2004, directing Pinnacle West Companies to provide additional information to the Commission to supplement its market update for authorization to sell at market-based rates and various tariff amendments filed on August 11, 2004.

*Comment Date:* 5 p.m. Eastern Time on March 11, 2005.

##### 4. Frederickson Power L.P.; EPCOR Merchant and Capital (US) Inc.; EPCOR Power Development, Inc.; EPDC, Inc.

[Docket Nos. ER01-2262-005, ER02-783-003, ER02-852-003, ER02-855-003]

Take notice that on February 22, 2005, Frederickson Power L.P., EPCOR Merchant and Capital (US), Inc., EPCOR Power Development, Inc., and EPDC, Inc. (collectively, the EPCOR Parties) submitted a triennial updated market-based rate analysis.

The EPCOR Parties state that copies of the filing were served on parties on the official service lists in the above-referenced proceedings.

*Comment Date:* 5 p.m. Eastern Standard Time March 15, 2005.

##### 5. Midwest Independent Transmission System Operator, Inc.; Public Utilities with Grandfathered Agreements in the Midwest ISO Region

[Docket Nos. ER04-691-027, EL04-104-026]

Take notice that on February 23, 2005, the Midwest Independent Transmission

System Operator, Inc. (Midwest ISO) submitted a compliance filing pursuant to the Commission's January 24, 2005 Order in *Midwest Independent Transmission System Operator, Inc., et al.*, 110 FERC ¶ 61,049 (2005). The Midwest ISO has requested an April 1, 2005 effective date for the tariff pages submitted in the compliance filing.

The Midwest ISO has requested waiver of the service requirements set forth in 18 CFR 385.2010. The Midwest ISO states that it 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, as well as all state commissions within the region. In addition, Midwest states that the filing has been electronically posted on the Midwest ISO's Web site at <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:* 5 p.m. Eastern Time on March 16, 2005.

##### 6. New England Power Pool

[Docket No. ER04-1255-001]

Take notice that on February 18, 2005 ISO New England Inc. (the ISO) and the New England Power Pool (NEPOOL) Participants Committee submitted a compliance filing, including a report entitled *The Costs and Benefits of Implementing a Day-Ahead Load Response Program* and revisions to Appendix E to Section III of the ISO's Transmission, Markets and Services Tariff (the Tariff), in response to the requirements of the Commission's December 21, 2004 order in Docket No. ER04-1255-000. NEPOOL and the ISO requested a June 1, 2005 effective date for the revisions to the tariff.

The ISO and the NEPOOL Participants Committee state that copies of the compliance filing were sent to the NEPOOL Participants and the New England state governors and regulatory commissions, as well as all parties on the official service lists in the above-captioned proceeding.

*Comment Date:* 5 p.m. Eastern Time on March 11, 2005.

##### 7. Until Energy Systems, Inc.

[Docket No. ER05-320-001]

Take notice that on February 23, 2005, Unutil Energy Systems, Inc. (UES) submitted a compliance filing pursuant to the Commission's order issued on February 2, 2005 in Docket No. ER05-320-000, *Unutil Energy Systems, Inc.*, 110 FERC ¶ 61,089 (2005).

UES states that copies of the filing were served on parties on the official service list in the above-captioned proceeding and on the New Hampshire Public Utility Commission.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 8. Hot Spring Power Company, LP

[Docket No. ER05-570-001]

Take notice that on February 23, 2005, Hot Spring Power Company, LP (Hot Spring) filed a supplement to its application filed February 11, 2005 in Docket No. ER05-570-000 for authorization to make wholesale sales of electric energy, capacity, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 9. Puget Sound Energy, Inc.

[Docket No. ER05-609-000]

Take notice that on February 18, 2005, Puget Sound Energy Inc. (PSE) submitted revised tariff sheets to its open access transmission tariff incorporating the changes directed by the Commission in Order No. 2003-B, *Standardization of Generator Interconnection Agreements and Procedures*, 109 FERC ¶ 61,287 (2004).

PSE states that electronic copies of the filing were served on the Washington Utilities and Transportation Commission and PSE's jurisdictional customers.

*Comment Date:* 5 p.m. Eastern Time on March 11, 2005.

#### 10. PSI Energy, Inc.

[Docket No. ER05-634-000]

Take notice that on February 22, 2005, PSI Energy, Inc. (PSI) tendered for filing the transmission and local facilities agreement for calendar year 2003 reconciliation between PSI and Wabash Valley Power Association, Inc., and between PSI and Indiana Municipal Power Agency, designated as PSI's Rate Schedule FERC No. 253.

*Comment Date:* 5 p.m. Eastern Time on March 15, 2005.

#### 11. American Electric Power Service Corporation

[Docket No. ER05-635-000]

Take notice that on February 22, 2005, the American Electric Power Service Corporation (AEPSC), tendered for filing an Interconnection and Local Delivery Service Agreement for Blue Ridge Power Association (Blue Ridge), designated as Substitute Service Agreement No. 181, to the Operating Companies of the American Electric Power System FERC

Electric Tariff Third Revised Volume No. 6. AEPSC requests an effective date of February 1, 2005.

AEPSC states that a copy of the filing was served upon the Party and the Virginia Public Service Commission.

*Comment Date:* 5 p.m. Eastern Time on March 15, 2005.

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

[Docket No. ER05-636-000]

Take notice that on February 23, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted a Large Generator Interconnection Agreement among Columbia Community Windpower LLC, American Transmission Company LLC and the Midwest ISO.

Midwest ISO states that a copy of this filing was served on the parties to this Interconnection Agreement.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 13. Wisconsin Public Service Corporation

[Docket No. ER05-637-000]

Take notice that on February 23, 2005, Wisconsin Public Service Corporation (WPSC) tendered for filing, the actual 2004 values for billing for post-employment benefits (PEB) and post-employment benefits other than pensions (PBOP) in its formula rates for: (1) The W-1A tariff for full requirements service; (2) the W-2A tariff for partial requirements service; and (3) Rate Schedule No. 51 for partial requirements service for the City of Marshfield. WPSC has also requests waiver of the notice requirements to allow it to apply the 2004 PEB and PBOP values to the true-up of these wholesale customers' estimated capacity rate billings for service during 2004 and for estimated billing as of April 1, 2005.

WPSC states that copies of the filing were served upon WPSC's affected wholesale customers, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 14. Illinois Power Company

[Docket No. ER05-638-000]

Take notice that on February 23, 2005, Illinois Power Company (Illinois Power) submitted a Market-Based Rate Tariff authorizing AmerenIP to engage in the sale of electric energy, capacity and firm rights at market-based rates and to reassign transmission capacity rights at negotiated rates. Illinois Power requests an effective date of the later of April 1, 2005, or the first day of the Midwest

ISO's Day 2 markets (currently expected to be April 1, 2005).

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 15. Brascan Power Piney & Deep Creek LLC

[Docket No. ER05-639-000]

Take notice that on February 23, 2005, Brascan Power Piney & Deep Creek LLC (Brascan Power PDC) submitted for filing an application for market-based rate authorization to sell energy, capacity, and ancillary services, and reassign transmission capacity and resell firm transmission rights. Brascan Power PDC also requests the waivers and exemptions from regulation typically granted to the holders of market-based rate authorization. In addition, Brascan Power PDC requests waiver of the 60-day prior notice requirement and requests expedited consideration of its application for market-based rate authorization.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### 16. Cinergy Services, Inc.

[Docket No. ER05-640-000]

Take notice that on February 23, 2005, Cinergy Services, Inc. (Cinergy Services), on behalf of The Cincinnati Gas & Electric Company (CG&E), PSI Energy, Inc. (PSI) and Cinergy Power Investments, Inc. submitted for filing a revised Joint Generation Dispatch Agreement between PSI and CG&E.

Cinergy Services states that copies of the filing were served upon the Indiana Utility Regulatory Commission.

*Comment Date:* 5 p.m. Eastern Time on March 16, 2005.

#### Standard Paragraph

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Linda Mitry,**

*Deputy Secretary.*

[FR Doc. E5-904 Filed 3-4-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP05-32-000 and CP05-32-001]

#### Northwest Pipeline Corporation; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Capacity Replacement Project

March 1, 2005.

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared a draft environmental impact statement (EIS) on the natural gas pipeline facilities and abandonment activities proposed by Northwest Pipeline Corporation (Northwest) in the above-referenced docket. The Capacity Replacement Project would be located in various counties in Washington.

The draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project with appropriate mitigating measures as recommended, would have limited adverse environmental impact.

The U.S. Army Corps of Engineers (COE) is participating as a cooperating agency in the preparation of the EIS because the project would require permits pursuant to section 404 of the Clean Water Act (33 United States Code (U.S.C.) 1344) and section 10 of the Rivers and Harbors Act (33 U.S.C. 403). The COE would adopt the EIS pursuant to Title 40 Code of Federal Regulations (CFR) Section 1506.3 if, after an

independent review of the document, it concludes that its comments and suggestions have been satisfied.

The Washington State Department of Ecology (WDOE) is participating as a cooperating agency in the preparation of the EIS because it has been designated the lead agency under the State Environmental Policy Act (SEPA) and is responsible for compliance with SEPA procedural requirements as well as for compiling and assessing information on the environmental aspects of the proposal for all agencies with jurisdiction in Washington. NEPA documents may be used to meet SEPA requirements if the requirements of the State of Washington Administrative Code (WAC) 197-11-610 and 197-11-630 are met. In compliance with SEPA requirements, this Notice of Availability includes the information required for a SEPA EIS Cover Letter and Fact Sheet. When the final EIS is completed, the WDOE would adopt it if an independent review of the document confirms that it meets the WDOE's environmental review standards.

The purpose of the Capacity Replacement Project is to replace the majority of the delivery capacity of Northwest's existing 268-mile-long, 26-inch-diameter pipeline between Sumas and Washougal, Washington in response to a Corrective Action Order issued by the U.S. Department of Transportation. The proposed facilities are designed to provide up to 360 thousand dekatherms per day of natural gas transportation capacity.

This draft EIS addresses the potential environmental effects (beneficial and adverse) of Northwest's proposal to:

- Construct and operate 79.5 miles of new 36-inch-diameter pipeline in 4 separate loops<sup>1</sup> in Whatcom, Skagit, Snohomish, King, Pierce, and Thurston Counties;
- Modify 5 existing compressor stations, one each in Whatcom, Skagit, Snohomish, Lewis, and Clark Counties for a total of 10,760 net horsepower of new compression;
- Install various pig<sup>2</sup> launchers, pig receivers, and mainline valves;
- Abandon the existing 26-inch-diameter pipeline between Sumas and Washougal with the exception of a short segment within and between the existing Jackson Prairie Meter Station and the Chehalis Compressor Station; and

<sup>1</sup> A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

<sup>2</sup> A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

- Use 13 pipe storage and contractor yards on a temporary basis to support construction activities.

Northwest proposes to begin construction in March 2006<sup>3</sup> and place the facilities in service by November 1, 2006. Abandonment of the 26-inch-diameter facilities that are currently in service cannot be completed until the Capacity Replacement Project is placed in service. All abandonment activities would be completed on or before December 31, 2006.

The FERC, the COE, and the WDOE have three alternative courses of action in considering Northwest's proposal. These options include granting authorizations with or without conditions, denying authorizations, or postponing action pending further study. In accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA, no agency decision on the proposed action may be made until 30 days after the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability of the final EIS in the **Federal Register**. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal appeal process that allows other agencies or the public to make their views known. This is the case at the FERC, where any Commission decision on the proposed action would be subject to a 30-day rehearing period. Therefore, the lead agency decision may be made at the same time that notice of the final EIS is published by the EPA, allowing the appeal periods to run concurrently.

After notice of the final EIS is published by the EPA, the COE would issue its own Record of Decision (ROD) adopting the EIS. The ROD would include the COE's section 404(b)(1) analysis. After issuance of the ROD, the COE could issue the section 404 and section 10 permits.

After the final EIS is issued, the WDOE would adopt it by identifying the document and stating why it is being adopted using the adoption form in WAC 197-11-965. The adoption form would be circulated to agencies with jurisdiction and to persons or organizations that have expressed an interest in the proposal. No action may be taken on the proposal until 7 days after the statement of adoption form has been issued. Once the 7-day waiting period is completed, the WDOE could begin issuing permits. Other state and local agencies cannot issue permits until the adoption procedure is complete.

<sup>3</sup> Northwest has requested that three river crossings be authorized to begin in late 2005 if weather permits.