

or in part, any, all or none of the applications submitted in response to this notice.

More detailed information is available from the U.S. Department of Energy Headquarters at (202) 586-2319.

Issued in Washington, D.C., on November 28, 1997.

**Joseph Romm,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 97-31788 Filed 12-3-97; 8:45 am]

BILLING CODE 6450-01-U

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER97-4745-000]

#### Alpena Power Marketing, L.L.C.; Notice of Issuance of Order

December 1, 1997.

Alpena Power Marketing, L.L.C. (Alpena Marketing) filed an application for authorization to engage in the wholesale sale and brokering of electric capacity and energy at market-based rates, and for certain waivers and authorizations. In particular, Alpena Marketing requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Alpena Marketing. On November 13, 1997, the Commission issued an Order Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's November 13, 1997 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (F):

(D) Within 30 days of the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Alpena Marketing should file a motion to intervene or protest 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.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, Alpena Marketing is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object

within the corporate purposes of Alpena Marketing, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(F) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Alpena Marketing's issuances of securities or assumptions of liabilities.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 15, 1997.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-31784 Filed 12-3-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER98-81-000]

#### Colt Electric Corporation; Notice of Issuance of Order

December 1, 1997.

Colt Electric Corporation (Colt) submitted for filing a rate schedule under which Colt will engage in wholesale electric power and energy transactions as a marketer. Colt also requested waiver of various Commission regulations. In particular, Colt requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Colt.

On November 17, 1997, pursuant to delegated authority, the Director, Division of Rate Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Colt should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Colt is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any

security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Colt's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 17, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-31783 Filed 12-3-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER98-33-000 and EL98-9-000]

#### Enron Power Marketing, Inc.; Order Accepting Rate Schedule for Filing, as Modified, Granting Waiver of Notice, and Announcing Policy Concerning Reassignment of Transmission Capacity by Power Marketers

Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, and William L. Massey

Issued November 28, 1997.

In this order, we accept for filing Enron Power Marketing, Inc.'s (Enron Marketing's) proposed rate schedule for reassignment of transmission rights, subject to certain modifications. We also inform all power marketers of an amendment to their existing rate schedules pertaining to reassignment of transmission rights, and waive the prior notice and filing requirements with respect to reassignments of transmission capacity by power marketers.

#### Background

On October 3, 1997, Enron Marketing submitted for filing a proposed tariff for the sale, assignment, or transfer of transmission rights procured under any open access transmission rate schedule by Enron Marketing on the transmission system of any transmission provider.

Enron Marketing's rate schedule provides that the charges for such transmission service would be capped at

a price not to exceed the highest of: (1) The original transmission rate paid by Enron Marketing; (2) the transmission provider's maximum stated firm transmission rate at the time of the transmission reassignment; or (3) Enron Marketing's own opportunity costs capped at the cost of expansion at the time of reassignment. The rate schedule further provides that prior to any reassignment at a price based on opportunity costs, Enron Marketing will first file for Commission authorization pursuant to section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (1994).

In addition, Enron Marketing commits to provide the Commission information concerning each reassignment in the quarterly transaction reports it files with the Commission for its power sales.<sup>1</sup> The specified information is: (1) The date of the assignment; (2) the name of the buyer; (3) the amount and type of transmission (e.g., firm or non-firm); (4) the identity of the transmission system on which the reassigned capacity exists; and (5) the length of the assignment.

Enron Marketing requests waiver of the Commission's 60-day prior notice and filing requirement to allow an effective date of April 24, 1997.

Notice of Enron Marketing's filing was published in the **Federal Register**, 62 FR 55,240 (1997), with comments, protests, and interventions due on or before October 29, 1997. None was filed.

## Discussion

### *The Commission's Policy*

The Commission stated in Order No. 888 that a public utility that reassigns transmission capacity must "have on file with the Commission a Rate Schedule governing reassigned capacity."<sup>2</sup> We recently affirmed and clarified this policy in *Southwestern Public Service Company*, 80 FERC ¶ 61,245 at 61,905 (1997), *reh'g pending* (*Southwestern*). In that order, we rejected the argument of a power

marketer (Electric Clearinghouse, Inc.) that requiring all public utilities, including power marketers, to have on file a rate schedule for capacity reassignments would be unduly burdensome and would serve no purpose.

### *The Instant Proceeding*

Enron Marketing's filing is consistent with the Commission's requirements regarding reassignment of transmission capacity.<sup>3</sup> The proposed reassignment provisions would not allow Enron Marketing to acquire or reassign transmission service without complying with the open access transmission tariffs of transmission providers, and none of the procedures for transmission service under those tariffs is changed or modified by the proposed reassignment provisions. Accordingly, we will accept Enron Marketing's proposed rate schedule for filing.

Enron Marketing states that the Commission has not established specific filing requirements in connection with reassignments of transmission capacity by power marketers. Enron Marketing proposes that, rather than file with the Commission a service agreement each time Enron Marketing makes a capacity reassignment, it provide in its quarterly transaction reports the information indicated above. Enron Marketing states that this is the same information that the Commission requires transmission-owning public utilities to provide when they file service agreements with the Commission.<sup>4</sup>

We agree that the quarterly transaction report is an appropriate place to provide the necessary information. However, the information Enron Marketing proposes to include with its reports exceeds that which we require transmission providers to include in their umbrella service agreements for capacity reassignments. We require transmission providers to report only the name of the assignee.<sup>5</sup> We will, therefore, require Enron Marketing to include only that information in its quarterly reports.

Finally, Enron Marketing states that it was not aware until *Southwestern* was issued that "non-traditional public utilities, such as power marketers," are subject to this requirement. Enron Marketing further states that, since learning of its obligation, it has acted

promptly to ascertain its responsibilities and to comply. Because Enron Marketing made its first reassignment of capacity on April 24, 1997, it seeks waiver of the 60-day prior notice and filing requirement. We find good cause exists to grant Enron Marketing's request for waiver of the 60-day notice and filing requirement and we will allow the proposed rate schedule to become effective, as requested, on April 24, 1997.

### *Applicability to Other Power Marketers Reassigning Transmission Capacity*

We take this opportunity to clarify, as explained in *Southwestern*, the applicability of the transmission capacity reassignment filing requirements to all power marketers. In order to avoid the need for each power marketer. In order to avoid the need for each power marketer to file for Commission review an individual rate schedule for the reassignment of transmission capacity, we hereby inform all power marketers that their existing rate schedules will be amended to include the following language:

This power marketer may reassign transmission capacity that it has reserved for its own use at a price not to exceed the highest of: (1) The original transmission rate paid by the power marketer; (2) the applicable transmission provider's maximum stated firm transmission rate on file at the time of the transmission reassignment; or (3) the power marketer's own opportunity costs, capped at the applicable transmission provider's cost of expansion at the time of the sale to the eligible customer. The power marketer will not recover opportunity costs in connection with reassignments without making a separate filing under Section 205. Except for the price, the terms and conditions under which the reassignment is made shall be the terms and conditions governing the original grant by the transmission provider. Transmission capacity may only be reassigned to a customer eligible to take service under the transmission provider's open access transmission tariff or other transmission rate schedules. This power marketer will report the name of the assignee in its quarterly reports.

With the preceding language inserted in their existing rates schedules, all power marketers will have Commission authorization to engage in transmission capacity reassignments, without the necessity of making individual filings.<sup>6</sup>

Consistent with our action above granting Enron Marketing's request for waiver, we find good cause exists to waive the prior notice and filing requirement for all power marketers

<sup>1</sup> Enron previously has received Commission authorization to engage in wholesale power sales at market-based rates as a power marketer. See *Enron Power Marketing, Inc.*, 65 FERC ¶ 61,305, *order on clarification and reh'g*, 66 FERC ¶ 61,244 (1994). The Commission subsequently accepted for filing changes to Enron's market-based rate schedule to reflect a merger between Enron Marketing's corporate parent and Portland General Corporation. See *Enron Corporation, et al.*, 78 FERC ¶ 61,179 (1997).

<sup>2</sup> Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 61 Fed. Reg. 21,540 (1996), FERC Stats. & Regs. ¶ 31,036 at 31,697 n.324 (1996), *order on reh'g*, Order No. 888-A, 62 Fed. Reg. 12,274 (1997), FERC Stats. & Regs. ¶ 31,048 at 30,224 n.151 (1997), *order on reh'g*, Order No. 888-B, 62 FR \_\_\_\_ (1997), 81 FERC ¶ 61,248 (1997).

<sup>3</sup> See Order No. 888, FERC Stats. & Regs. at 31,694-97; Order No. 888-A, FERC Stats. & Regs. at 30,219-25; Commonwealth Edison Company, 78 FERC ¶ 61,312 at 62,335-36 (1997).

<sup>4</sup> See, e.g., *Virginia Electric and Power Company*, 81 FERC ¶ 61,125, slip op. at 3 (1997).

<sup>5</sup> See, e.g., *Griffin Energy Marketing, L.L.C.*, 81 FERC ¶ 61,133, slip op. at 5 (1997).

<sup>6</sup> Any filings made after the date of the order by a power marketer seeking market-based or cost-based rates shall include this language in its proposed rate schedule.

with respect to transmission capacity reassignments. The effective date of the rate schedule amendment will be the date of the first reassignment.

Finally, consistent with the reporting requirement applied to Enron Marketing, we will require power marketers to include only the name of the assignee in their quarterly transaction reports. To the extent any power marketers already have made reassignments, they are directed to incorporate the required information in their next quarterly transaction report.

#### The Commission Orders

(A) Enron Marketing's request for waiver of the 60-day notice and filing requirement is hereby granted, and the proposed rate schedule for the reassignment of transmission capacity, as modified, is hereby accepted for filing, effective April 24, 1997.

(B) Enron Marketing is hereby informed of the following rate schedule designation: *Enron Power Marketing, Inc.*, Rate Schedule FERC No. 40.

(C) The power marketer rate schedules on file with the Commission are hereby revised, effective as of the date of the first reassignment of transmission capacity, to include the language discussed in the body of this order.

(D) The Secretary is hereby directed to arrange for the prompt publication of this order in the **Federal Register**.

By the Commission.

**Lois D. Cashell,**  
Secretary.

[FR Doc. 97-31782 Filed 12-3-97; 8:45 am]

BILLING CODE 6717-01-M

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER97-851-001]

#### H.Q. Energy Services (U.S.) Inc.; Notice of Issuance of Order

November 28, 1997.

H.Q. Energy Services (U.S.) Inc. (H.Q. Energy) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, H.Q. Energy requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by H.Q. Energy. On November 12, 1997, the Commission issued an Order Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's November 12, 1997 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (G), (H), and (J):

(G) Within 30 days after the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by H.Q. Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(H) Absent a request to be heard within the period set forth in Ordering Paragraph (G) above, H.Q. Energy is hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of H.Q. Energy, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(J) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of H.Q. Energy's issuances of securities or assumptions of liabilities \* \* \*.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 12, 1997.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

**Lois D. Cashell,**  
Secretary.

[FR Doc. 97-31760 Filed 12-3-97; 8:45 am]

BILLING CODE 6717-01-M

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP95-326-013 and RP95-242-012]

#### Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

November 28, 1997.

Take notice that on November 25, 1997, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Fifth Revised

Sheet No. 19 and Seventh Revised Sheet No. 20, to be effective January 1, 1998.

Natural states that the purpose of this filing is to implement certain provisions applicable to Rate Schedule BESS and NSS, and certain rates derived from the Rate Schedule BESS rate pursuant to the Stipulation and Agreement (Settlement) filed by Natural, in Docket Nos. RP95-326-010 and RP95-242-010 on May 31, 1996. The Settlement represents a comprehensive resolution of Natural's pending general rate case, which was approved by the Commission in a letter order issued on November 3, 1997, in said dockets.

Natural requested any waivers that may be required to permit the tendered tariff sheets to become effective on January 1, 1998.

Natural states that copies of the filing have been mailed to Natural's customers, interested state regulatory agencies, and all parties set out on the official service lists in Docket Nos. RP95-326 and RP95-242.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**  
Secretary.

[FR Doc. 97-31763 Filed 12-3-97; 8:45 am]

BILLING CODE 6717-01-M

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER97-4636-000; ER97-4652-000; ER97-4653-000; ER97-4654-000]

#### NEV, L.L.C., NEV East, L.L.C., NEV California, L.L.C.; NEV Midwest, L.L.C.; Notice of Issuance of Order

November 28, 1997.

NEV, L.L.C. (NEV), NEV East, L.L.C. (NEV East), NEV California, L.L.C. (NEV California), and NEV Midwest, L.L.C. (NEV Midwest) (hereafter Applicants), filed identical applications for authorization to sell capacity and energy at market-based rates, and for certain waivers and authorizations. In