

to Section 4.1(H)(1) of the General Terms and Conditions in Texas Eastern's FERC Gas Tariff to make reference to the Intraday 2 Nomination Cycle. Texas Eastern states that Order No. 587-H confirmed that to comply with the Commission's regulations and Order No. 587-G it is necessary only to provide that firm intra-day nominations have priority over scheduled interruptible service. Also Texas Eastern states that as currently effective, Section 4.1(H)(1) applies only to firm service.

Accordingly, Texas Eastern states that the substitute tariff sheet is filed to change only the monthly references to daily. In addition, Texas Eastern states that, in response to protests filed by the Indicated Shippers and Dynegy Marketing and Trade, the filing adds Section 4.1(H)(3) to provide that any customer which is bumped will be provided notification of the bump in the same manner as provided for notification of OFO's in Texas Eastern's Tariff.

Texas Eastern states that copies of the filing were mailed to all affected customers of Texas Eastern and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. GT99-3-000]

#### Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

October 27, 1998.

Take notice that on October 22, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the

following revised tariff sheets to become effective October 22, 1998:

Thirteenth Revised Sheet No. 825  
Fifteenth Revised Sheet No. 826  
Eighteenth Revised Sheet No. 827  
Thirteenth Revised Sheet No. 828  
Twentieth Revised Sheet No. 829  
Nineteenth Revised Sheet No. 830  
Twenty-seventh Revised Sheet No. 831  
Twenty-sixth Revised Sheet No. 832  
Twenty-fifth Revised Sheet No. 833

Williston Basin states that the revised tariff sheets are being filed simply to update its Master Delivery Point List.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER98-2791-000, et al.]

#### Arizona Public Service Company, et al.; Electric Rate and Corporate Regulation Filings

October 26, 1998.

Take notice that the following filings have been made with the Commission:

##### 1. Arizona Public Service Company

[Docket No. ER98-2791-001]

Take notice that on October 21, 1998, Arizona Public Service Company (APS), tendered for filing a revised unexecuted service agreement for sales made through the California Power Exchange Corporation (PX), under the market based tariff of APS, in compliance to the Commission's Order issued on June 25, 1998, in Docket No. ER98-2791-000.

Copies of this filing have been served on the Arizona Corporation

Commission, the PX and APS' Merchant Group.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 2. The Potomac Edison Company, West Penn Power Company, Monongahela Power Company, Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Pennsylvania Power Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric & Power Company v. Virginia Electric & Power Company

[Docket No. EL99-5-000]

Take notice that on October 20, 1998, The Potomac Edison Company, West Penn Power Company, Monongahela Power Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Savannah Electric & Power Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, Ohio Edison Company, and Pennsylvania Power Company, tendered for filing a Complaint against Virginia Electric and Power Company arising out of a dispute under the GAPP Experiment Participation Agreement and the Commission's Order Accepting For Filing GAPP Experiment Participation Agreement dated March 25, 1997 (78 FERC ¶ 61, 314).

*Comment date:* November 25, 1998, in accordance with Standard Paragraph E at the end of this notice. Answers to the Complaint are also due on or before November 25, 1998.

#### 3. Braintree Electric Light Department v. Boston Edison Company

[Docket No. EL99-7-000]

Take notice that on October 22, 1998, Braintree Electric Light Department tendered for filing with the Federal Energy Regulatory Commission a Petition for Declaratory Order Disclaiming Primary Jurisdiction pursuant to Section 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207): (1) disclaiming primary jurisdiction over breach of contract, and contract amendment and termination issues, raised in Braintree's complaint in the Massachusetts Superior Court for Norfolk County (Case No. 98-01882—*Braintree Electric Light Department v. Boston Edison Company*); and (2) determining that the Massachusetts state court is the appropriate forum for resolving the contract dispute raised before the Commission by Boston

Edison Company (BECO) in Docket No. ER99-35-000.

Braintree requests the Commission decline primary jurisdiction over a contractual dispute implicated in both Braintree's civil complaint in Massachusetts Superior Court for Norfolk County for breach of contract, rescission and termination without liability of the Contract Demand Agreement between Braintree and BECO, and BECO's filing of contractually barred unilateral amendments to the Agreement in Docket No. ER99-35-000. Commission precedent requires disclaimer of primary jurisdiction over this dispute because (1) the Commission possesses no special expertise to resolve this contractual dispute, (2) there is no need for uniformity in the interpretation of this Contract, and (3) the issues raised in this case are distant in relation to the regulatory responsibilities of the Commission.

*Comment date:* November 25, 1998, in accordance with Standard Paragraph E at the end of this notice. Answers to the Complaint are also due on or before November 25, 1998.

#### **4. Reading Municipal Light Department v. Boston Edison Company**

[Docket No. EL99-8-000]

Take notice that on October 22, 1998, Reading Electric Light Department tendered for filing with the Federal Energy Regulatory Commission a Petition for Declaratory Order Disclaiming Primary Jurisdiction pursuant to Section 206 of the Federal Power Act and Section 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207): (1) disclaiming primary jurisdiction over breach of contract, and contract amendment and termination issues, raised in Reading's complaint in the Massachusetts Superior Court for Middlesex County (Case No. 98-5245F—*Reading Municipal Light Department v. Boston Edison Company*); and (2) determining that the Massachusetts state court is the appropriate forum for resolving the contract dispute raised before the Commission by Boston Edison Company (BECO) in Docket No. ER99-35-000.

Reading requests that the Commission decline primary jurisdiction over a contractual dispute implicated in both Reading's civil complaint in Massachusetts Superior Court for Middlesex County for breach of contract, rescission and termination without liability of the Contract Demand Agreement between Reading and BECO, and BECO's filing of contractually barred unilateral amendments to the

agreement in Docket No. ER99-35-000. Commission precedent requires disclaimer of primary jurisdiction over this dispute because (1) the Commission possesses no special expertise to resolve this contractual dispute, (2) there is no need for uniformity in the interpretation of this Contract, and (3) the issues raised in this case are distant in relation to the regulatory responsibilities of the Commission.

*Comment date:* November 25, 1998, in accordance with Standard Paragraph E at the end of this notice. Answers to the Complaint are also due on or before November 25, 1998.

#### **5. Carolina Power & Light Company**

[Docket No. ER99-258-000]

Take notice that on October 21, 1998, Carolina Power & Light Company (CP&L), tendered for filing a Service Agreement for Short-Term Firm Point-to-Point Transmission Service with Consumers Energy Company and The Detroit Edison Company (collectively the Michigan Companies). Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of September 28, 1998, for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### **6. PP&L, Inc.**

[Docket No. ER99-259-000]

Take notice that on October 21, 1998, PP&L, Inc. (PP&L), tendered for filing a Service Agreement dated September 30, 1998, with Constellation Power Source, Inc. (Constellation), under PP&L's Market-Based Rate and Resale of Transmission Rights Tariff, FERC Electric Tariff, Volume No. 5. The Service Agreement adds Constellation as an eligible customer under the Tariff.

PP&L requests an effective date of October 21, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Constellation and to the Pennsylvania Public Utility Commission.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### **7. Central Maine Power Company**

[Docket No. ER99-260-000]

Take notice that on October 21, 1998, Central Maine Power Company (CMP), tendered for filing an executed service agreement for sale of capacity and/or energy entered into with TransCanada Power Marketing Ltd. Service will be provided pursuant to CMP's Wholesale Market Tariff, designated rate schedule CMP—FERC Electric Tariff, Original Volume No. 4.

CMP respectfully requests that the Commission accept the Service Agreement for filing and requests waiver of the Commission's notice requirements to permit service under the Agreement to become effective as of October 20, 1998.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### **8. Central Maine Power Company**

[Docket No. ER99-261-000]

Take notice that on October 21, 1998, Central Maine Power Company (CMP), tendered for filing an executed service agreement for sale of capacity and/or energy entered into with Northeast Utilities Service Company (NUSCO). Service will be provided pursuant to CMP's Wholesale Market Tariff, designated rate schedule CMP—FERC Electric Tariff, Original Volume No. 4.

CMP respectfully requests that the Commission accept the Service Agreement for filing and requests waiver of the Commission's notice requirements to permit service under the Agreement to become effective as of October 20, 1998.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### **9. Maine Electric Power Company**

[Docket No. ER99-262-000]

Take notice that on October 21, 1998, Maine Electric Power Co. (MEPCO), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, a Letter Agreement amending the term of two service agreements entered into with Bangor Hydro-Electric Company (BHE), one dated July 9, 1996, and the other dated July 24, 1996 (each as originally accepted for filing in Docket No. ER96-2634-000 and extended under ER98-22-000), under which MEPCO is providing Firm Point-to-Point Transmission Service in accordance with the MEPCO Open Access Transmission Tariff (the Tariff). The Letter Agreement extends the term of

the Service Agreements to February 29, 2000.

MEPCO respectfully requests that the Commission accept the Letter Agreement for filing and establish an effective date of no later than October 31, 1998. MEPCO requests waiver of the Commission's notice requirements.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Maine Electric Power Company

[Docket No. ER99-263-000]

Take notice that on October 21, 1998, Maine Electric Power Company (MEPCO), tendered for filing a service agreement for Non-Firm Point-to-Point Transmission Service entered into with TransCanada Power Marketing, Ltd. Service will be provided pursuant to MEPCO's Open Access Transmission Tariff, designated rate schedule MEPCO—FERC Electric Tariff, Original Volume No. 1, as supplemented.

MEPCO respectfully requests that the Commission accept this Service Agreement for filing and requests waiver of the Commission's notice requirements to permit service under the agreement to become effective as of October 20, 1998.

*Comment date:* November 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Niagara Mohawk Power Corporation

[Docket No. OA96-194-005]

Take notice that on October 23, 1998, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing its compliance report pursuant to the Commission's order issued October 14, 1998. Copies of the filing have been served by Niagara Mohawk upon the other parties to the above-captioned proceeding.

*Comment date:* November 25, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 12. New England Power Company

[Docket Nos. OA97-237-004 and ER97-1327-001]

Take notice that on October 20, 1998, New England Power Company, tendered for filing its refund compliance report associated with refunds made directly to customers from revenue received by New England Power Company for Excepted Transactions under the NEPOOL Tariff.

*Comment date:* November 25, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing 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 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. 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. Copies of these filings are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Secretary.*

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#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. ER99-251-00, et al.]

#### Tampa Electric Company, et al.; Electric Rate and Corporate Regulation Filings

October 23, 1998.

Take notice that the following filings have been made with the Commission:

##### 1. Tampa Electric Company

[Docket No. ER99-251-000]

Take notice that on October 20, 1998, Tampa Electric Company (Tampa Electric), tendered for filing a letter agreement that amends an existing letter of commitment providing for the sale of capacity and energy to the Florida Municipal Power Agency (FMPA).

Tampa Electric proposes that the letter agreement be made effective on December 19, 1998.

Copies of the filing have been served on FMPA and the Florida Public Service Commission.

*Comment date:* November 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Duke Energy Corporation

[Docket Nos. EL97-31-000, ER97-2095-001, ER97-2099-000, ER97-2099-001, ER97-2100-001, ER97-2211-001, ER97-2212-003, and ER97-2213-001]

Take notice that on October 19, 1998, Duke Energy Corporation (Duke) filed a compliance report in the above-

referenced dockets in response to the Federal Energy Regulatory Commission's September 17, 1998 Order in those dockets. The report relates to refunds in connection with wholesale power service to the Seneca Light and Water Board, Seneca, South Carolina (Seneca) and the Commissioners of Public Works of the City of Greenwood, South Carolina (Greenwood). The report also sets forth the proposed accounting for Seneca's and Greenwood's stranded cost payments to Duke.

*Comment date:* November 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Sam Rayburn G&T Electric Cooperative, Inc. vs. Entergy Gulf States, Inc. Entergy Services Inc.

[Docket No. EL99-6-000]

Take notice that on October 21, 1998, Sam Rayburn G&T Electric Cooperative, Inc. tendered for filing a complaint against Entergy Gulf States, Inc., an operating company subsidiary of Entergy Corporation and Entergy Services, Inc., the Entergy Corporation subsidiary responsible for the rates, terms and conditions of transmission access for the Entergy operating companies.

*Comment date:* November 28, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 4. ICC Energy Corporation Wolverine Power Supply Cooperative, Inc., Eagle Gas Marketing Company, Kansas City Power & Light Co., Cook Inlet Energy Supply, J. Aron & Company, PacificCorp Power Marketing, Inc.

[Docket Nos. ER96-1819-008, ER98-411-006, ER96-1503-010, ER99-209-000, ER96-1410-011, ER95-34-017, and ER95-1096-015]

Take notice that the following informational filings have been made with the Commission and are available for public inspection and copying in the Commission's Public Reference Room:

On October 15, 1998, ICC Energy Corporation filed certain information as required by the Commission's June 26, 1996 order in Docket No. ER96-1819-000.

On October 15, 1998, Wolverine Power Supply Cooperative, Inc. filed certain information as required by the Commission's December 23, 1997 order in Docket No. ER98-411-000.

On October 15, 1998, Eagle Gas Marketing Company filed certain information as required by the Commission's May 8, 1996 order in Docket No. ER96-1503-000.

On October 15, 1998, Kansas City Power & Light Company filed certain