

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: February 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Consumers Energy Company

[Docket No. ER01-970-000]

Take notice that on January 16, 2001, Consumers Energy Company (Consumers) tendered for filing executed Firm and Non-Firm Point to Point Transmission Service Agreements with Tenaska Power Services Co. (Customer) pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison).

Both Agreements have effective dates of January 1, 2001.

Copies of the filed agreements were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

Comment date: February 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such 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 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. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

[FR Doc. 01-2386 Filed 1-25-01; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01-971-000, *et al.*]

Duke Energy Corporation, *et al*; Electric Rate and Corporate Regulation Filings

January 22, 2001.

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

1. Duke Energy Corporation

[Docket No. ER01-971-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Duke Power, a division of Duke Energy for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on December 19, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01-614-001]

Take notice that on January 16, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing First Revised Service Agreement No. 73 under the Market Rate Tariff to incorporate a Netting Agreement with PG&E Energy Trading—Power, L.P., into the tariff provisions.

Allegheny Power requests a waiver of notice requirements to make the Netting Agreement effective as of January 3, 2001.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Duke Energy Corporation

[Docket No. ER01-972-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Duke Power, a division of Duke Energy for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on December 20, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Energy Corporation

[Docket No. ER01-973-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Duke Power, a division of Duke Energy for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on December 20, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Duke Energy Corporation

[Docket No. ER01-974-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Carolina Power & Light Company for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on December 19, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Duke Energy Corporation

[Docket No. ER01-975-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement

with TransAlta Energy Marketing (U.S.), Inc., for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on January 8, 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Duke Energy Corporation

[Docket No. ER01-976-000]

Take notice that on January 17, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Semptra Energy Trading Corp. for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on December 19, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Southwest Power Pool, Inc.

[Docket No. ER01-977-000]

Take notice that on January 17, 2001, Southwest Power Pool, Inc. (SPP), tendered for filing 82 executed service agreements for Loss Compensation Service under the SPP Tariff.

SPP seeks an effective date of January 1, 2001, for each of these agreements.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Brownsville Power I, L.L.C.

[Docket No. ER01-978-000]

Take notice that on January 17, 2001, Brownsville Power I, L.L.C., tendered for filing a notice of change in status and amendments to its market-based rate tariff and code of conduct to reflect its pending affiliation with Cinergy Corp., and its franchised public utility subsidiaries.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Caledonia Power I, L.L.C.

[Docket No. ER01-979-000]

Take notice that on January 17, 2001, Caledonia Power I, L.L.C., tendered for

filing a notice of change in status and amendments to its market-based rate tariff and code of conduct to reflect its pending affiliation with Cinergy Corp., and its franchised public utility subsidiaries.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Southwest Power Pool, Inc.

[Docket No. ER01-980-000]

Take notice that on January 17, 2001, Southwest Power Pool, Inc., tendered for filing notice that effective January 17, 2001, Service Agreement No. 406, effective date June 29, 2000, and filed with the Federal Energy Regulatory Commission in Docket No. ER01-431 by Southwest Power Pool, Inc., is to be canceled.

Notice of the proposed cancellation have been served upon Southwestern Public Service Company—Wholesale Merchant Function.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER01-982-000]

Take notice that on January 17, 2001, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., and Entergy Gulf States, Inc., tendered for filing Generator Imbalance Agreements between Entergy Gulf States, Inc., and Entergy Services, and between Entergy Arkansas, Inc., and Entergy Power Inc.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Hunlock Creek, LLC

[Docket No. ER01-983-000]

Take notice that on January 17, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Hunlock Creek, LLC filed Service Agreement No. 1 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply Hunlock Creek, LLC offers generation services.

Allegheny Energy Supply Hunlock Creek, LLC requests a waiver of notice requirements to make service available as of November 13, 2000 to Allegheny Energy Supply Company, LLC.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation

Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. MidAmerican Energy Company

[Docket No. ER01-984-000]

Take notice that on January 17, 2001, MidAmerican Energy Company (MidAmerican), 401 Douglas Street, P.O. Box 778, Sioux City Iowa 51102, tendered for filing with the Commission a Firm Transmission Service Agreement between MidAmerican, as transmission provider, and MidAmerican Energy Company, as wholesale merchant. The Agreement is dated December 29, 2000 and has been entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of January 1, 2001 for the Agreement and seeks a waiver of the Commission's notice requirement.

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: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. MidAmerican Energy Company

[Docket No. ER01-985-000]

Take notice that on January 17, 2001, MidAmerican Energy Company (MidAmerican), 401 Douglas Street, P. O. Box 778, Sioux City Iowa 51102, tendered for filing with the Commission the Fourth Amendment to Network Integration Transmission Service Agreement entered into by MidAmerican and the City of Sergeant Bluff, Iowa, dated December 29, 2000. The Agreement amends the Network Integration Transmission Service Agreement dated April 7, 1997, between the parties.

MidAmerican requests an effective date of January 1, 2001 for the Agreement and seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on the Iowa Utilities Board and the City of Sergeant Bluff, Iowa.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing 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). 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. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

[FR Doc. 01-2385 Filed 1-25-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[GA47-200003; FRL-6936-9]

Adequacy Status of the Atlanta, GA, Submitted Ozone Attainment State Implementation Plan for Transportation Conformity Purposes; Withdrawal of Adequacy Finding

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of adequacy finding.

SUMMARY: EPA has decided to withdraw our finding of adequacy for the motor vehicle emissions budgets in the Atlanta, Georgia, ozone attainment SIP submitted on October 28, 1999. We are withdrawing our adequacy finding for several reasons. The United States Court of Appeals for the District of Columbia circuit decided on August 30, 2000, that the implementation of the Nitrogen Oxides (NO_x) State Implementation Plan (SIP) Call rule could not be required before May 31, 2004. The emission levels in the Atlanta attainment SIP motor vehicle emissions budget for NO_x were based in part on the assumption that transport of ozone precursors into Atlanta from upwind states would be addressed by May 2003 pursuant to EPA's NO_x SIP Call. Further, the Georgia Environmental Protection Division (EPD) recently requested that EPA withdraw its adequacy determination of the Atlanta ozone attainment SIP motor vehicle emissions budgets. The notice of the adequacy determination that is being withdrawn was made on February 15, 2000, in a letter to the State and was

published in the **Federal Register** on February 28, 2000.

DATES: The notice of adequacy is withdrawn as of January 26, 2001.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler (404-562-9042).

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2000, EPA Region 4 sent a letter to the Georgia Environmental Protection Division stating that the motor vehicle emissions budgets for nitrogen oxides (NO_x) and volatile organic compounds (VOCs) in the October 28, 1999, Atlanta ozone attainment SIP for 2003 were adequate for the purpose of transportation conformity. EPA published a notice in the **Federal Register** on February 28, 2000, [65 FR 10490] announcing that we had made an adequacy determination for the motor vehicle emissions budgets in Atlanta's attainment SIP. This finding was also announced on EPA's conformity website, <http://www.epa.gov/oms/traq>.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

EPA described the process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999, memo titled "Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision"). This guidance was used in making the adequacy determination on the motor vehicle emissions budgets contained in the attainment demonstration for Atlanta. The criteria by which EPA determines whether a SIP's motor vehicle emission budgets are adequate for conformity purpose are outlined in 40 CFR 93.118(e)(4). An adequacy review is separate from EPA's SIP completeness review, and it also should not be used to prejudge EPA's ultimate action to approve or disapprove the SIP. The SIP could later be disapproved for reasons unrelated to transportation conformity even though the budgets had been deemed adequate.

The Southern Environmental Law Center (SELC) on behalf of many petitioners, filed a lawsuit on April 28, 2000, with the 11th Circuit Court of Appeals seeking review of EPA's

adequacy finding. On July 11, 2000, the petitioners moved, on an expedited basis, to stay EPA's adequacy determination pending that Court's ruling on the merits of their April 28, 2000 Petition. On July 18, 2000, the 11th Circuit Court granted the motion for stay.

Once the 11th Circuit stayed the attainment SIP adequacy determination on July 18, 2000, the United States Department of Transportation (USDOT) had to base any conformity determination on the prior approved motor vehicle emissions budgets contained in the VOC 15 percent and NO_x 9 percent rate of progress SIPs approved by EPA on April 26, 1999, and March 18, 1999, respectively (64 FR 20186 and 64 FR 13348). Today's action does not affect USDOT's July 25, 2000, conformity determination since it was based on these approved budgets and not the submitted attainment budgets, which had been stayed prior to the conformity determination.

EPA believes that a consequence of the D.C. Circuit's order delaying the implementation date of the NO_x SIP Call rule is that the budget submitted by Georgia can no longer be considered adequate for purposes of transportation conformity. This belief is based on the fact that the attainment demonstration relied on the expected reductions from the NO_x SIP call in 2003, whereas those reductions can not now be assumed prior to 2004.

Furthermore, on December 21, 2000, Georgia sent a letter withdrawing the motor vehicle emission budgets contained in the October 28, 1999, SIP submittal and asked that EPA not undertake any further consideration of these budgets until the State concludes the work necessary to submit a revised budget. The revised budget is expected to be based on the results of the recent study of vehicle speeds data, updated vehicle registration data, and modeling information relevant to the estimation of current and future motor vehicle emissions developed since submission of the previous budget. Based on these changes of fact and law, the parties filed a joint motion to the 11th Circuit to hold further proceedings on review of the adequacy determination in abeyance and for permission for EPA to withdraw the finding of adequacy. All parties in those proceedings have agreed that because it is not appropriate for the transportation agencies to rely upon the currently submitted budget for the purpose of making transportation conformity determinations, the stay entered by the Court on July 19, 2000,