

[FR Doc. 04-5358 Filed 3-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Energy Conservation Program for Certain Industrial Equipment: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of American Water Heater Company From the DOE Uniform Federal Test Procedure for Measuring Efficiency of Commercial Water Heaters (Case No. WH-016)

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of Petition for Waiver and solicitation of comments; Grant of Interim Waiver.

**SUMMARY:** Today's notice grants an Interim Waiver to American Water Heater Company (AWH) and publishes AWH's Petition for Waiver from the existing Department of Energy (the Department or DOE) test procedure for commercial water heaters. AWH claims that it cannot demonstrate compliance with the new energy efficiency requirements for commercial water heating products that became effective October 29, 2003, for some of its water heater models, using the current test procedure. The test procedure for measuring compliance with the new standards was published as a proposed rule on August 9, 2000, and has not yet been finalized. As part of today's action, the Department is also soliciting comments, data, and information with respect to the Petition for Waiver.

**DATES:** The Department will accept comments, data, and information with respect to this Petition for Waiver on or before April 9, 2004.

**ADDRESSES:** Please submit comments, data, and information electronically if possible. Comments should be sent to the following Internet address: [commercialwaterheaterwaiver@ee.doe.gov](mailto:commercialwaterheaterwaiver@ee.doe.gov).

Electronic comments must be submitted in a WordPerfect, Microsoft Word, or PDF format, and avoid the use of special characters or any form of encryption. Comments in electronic format should be identified by the case number WH-016, and wherever possible carry the electronic signature of the author. Absent an electronic signature, comments submitted electronically must be followed and authenticated by submitting the signed

original paper document. No telefacsimiles (faxes) will be accepted.

Written (paper) comments may be submitted to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, Case Number WH-016, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-2945. Please submit one signed copy, no faxes.

Copies of the public comments received will be available in the resource room of the appliance office of the Building Technologies Program, room 1J-018 of the Forrestal Building at the U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the resource room.

#### FOR FURTHER INFORMATION CONTACT:

Mohammed Khan, U.S. Department of Energy, Building Technologies Program, Mail Stop EE-2J, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-7892; e-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov); or Francine Pinto, Esq., or Thomas DePriest, Esq., U.S. Department of Energy, Office of General Counsel, Mail Stop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507; e-mail: [Francine.Pinto@hq.doe.gov](mailto:Francine.Pinto@hq.doe.gov), or [Thomas.DePriest@hq.doe.gov](mailto:Thomas.DePriest@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions concerning energy efficiency. Part B of Title III (42 U.S.C. 6291-6309) provides for the "Energy Conservation Program for Consumer Products Other than Automobiles." Part C of Title III (42 U.S.C. 6311-6317) provides for a program entitled, "Certain Industrial Equipment," which is similar to the program in Part B, and which includes commercial air conditioning equipment, packaged boilers, water heaters, and other types of commercial equipment.

Today's notice involves commercial equipment under Part C, which specifically provides for definitions, test procedures, labeling requirements, energy conservation standards, and information and reports from manufacturers. With respect to test procedures, Part C generally authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed

to produce results that reflect energy efficiency, energy use and estimated annual operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6314)

For commercial water heaters, EPCA provides that DOE's test procedure shall be that generally accepted industry test procedure developed or recognized by the Air-Conditioning and Refrigeration Institute (ARI) or by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), as referenced in ASHRAE/Illuminating Engineers Society (IES) Standard 90.1 and in effect on June 30, 1992. (42 U.S.C. 6314(a)(4)(A)) This statute also provides that if this industry test procedure is amended, the Secretary of Energy shall amend DOE's test procedure to be consistent with the amended industry test procedure, unless the Secretary determines that such a modified test procedure does not meet the statutory criteria. (42 U.S.C. 6314(a)(4)(B))

The current DOE test procedure that is applicable to this equipment is the one referenced in the version of ASHRAE/IES 90.1 in effect in 1992, the American National Standards Institute (ANSI)/Canadian Standards Association (CSA) Standard Z21.10.3-1990. In response to ASHRAE's amendment to this standard, the Department issued a Notice of Proposed Rulemaking to adopt an updated test procedure for commercial water heaters, ANSI/CSA Standard Z21.10.3-1998, which is referenced in ASHRAE/IES Standard 90.1-1999. (65 FR 48852, August 9, 2000) The Department however, has not taken final action with respect to the proposed rule. Thus, the Standard Z21.10.3-1990 remains the applicable test procedure.

In January 2001, the Department adopted the ASHRAE 90.1-1999 energy efficiency standards for commercial gas-fired and oil-fired water heaters as new Federal efficiency standards effective October 29, 2003. (66 FR 3335, January 12, 2001) Because the Department has not yet issued a final rule on its proposal for an updated test procedure for commercial water heaters, commercial water heater manufacturers must demonstrate compliance with the new energy efficiency standards using the existing DOE test procedure.

The Department is required to make adjustments to its regulations, as necessary, to prevent special hardship, inequity or unfair distribution of burdens. (42 U.S.C. 7194) Currently, the Department has regulatory provisions in 10 CFR 430.27 and 10 CFR 431.29 allowing a waiver from test procedure requirements for covered consumer

products and electric motors. There are no specific waiver provisions for other covered commercial equipment. However, the Department proposed waiver provisions for covered commercial equipment on December 13, 1999 (64 FR 69597), as part of the commercial furnace test procedure rule, and the Department expects to publish a final rule codifying this process in 10 CFR 431.201. Until that occurs, DOE will use the waiver provisions for consumer products and electric motors for waivers involving other covered commercial equipment. These waiver provisions are substantively identical.

The waiver provisions allow the Assistant Secretary for Energy Efficiency and Renewable Energy to waive temporarily the test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics that prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. (See 10 CFR 430.27 (a)(1), 10 CFR 431.29 (a)(1)) Waivers generally remain in effect until final test procedure amendments become effective, thereby resolving the problem that is the subject of the waiver.

DOE will grant an Interim Waiver if it determines that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. (See 10 CFR 430.27 (g)) An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On July 29, 2003, AWH filed a Petition for Waiver and Application for Interim Waiver from the "DOE Uniform Federal Test Procedure for Measuring Efficiency of Commercial Water Heaters," referenced in the version of ASHRAE 90.1 in effect in 1992, ANSI/CSA Z21.10.3-1990. It requested permission to use ASHRAE Standard 118.1-2003 as an alternate test procedure for its water heating products having the following model numbers: G\*2-75T75-4NV, CG\*2-75T75-4NV, PVG\*2-75T75-3NV, PVCG\*2-75T75-3NV, G\*2-100T77-4NV, CG\*2-100T77-4NV, G\*2-75T75-4PV, CG\*2-75T75-

4PV, PVG\*2-75T75-3PV, PVCG\*2-75T75-3PV, G\*2-100T77-4PV, CG\*2-100T77-4PV, G\*2-75T75-4NV, CG\*2-75T75-4NV, PVG\*2-75T75-3NV, PVCG\*2-75T75-3NV, G\*2-100T77-4NV, CG\*2-100T77-4NV, G\*2-75T75-4PV, CG\*2-75T75-4PV, PVG\*2-75T75-3PV, PVCG\*2-75T75-3PV, G\*2-100T77-4PV, and CG\*2-100T77-4PV wherein all above asterisks are replaced with warranty periods.

In its petition, AWH seeks a waiver from the applicable test procedure because AWH asserts that the current DOE test procedure is incompatible with the new DOE energy efficiency standards, which became effective on October 29, 2003. AWH also states that the above-specified models of water heating products do not meet the new energy efficiency requirements using the current test procedure.

Due to the fact that DOE has experienced delays in publishing a final rule for the test procedure for commercial water heating products, and also recognizes that certain basic models of commercial water heaters are allegedly not compliant with the new energy efficiency standards absent a waiver from the current DOE test procedure, the Department has decided to grant this interim waiver to ensure that such models do not become noncompliant. However, the Department believes the appropriate alternate is the test procedure published in the August 9, 2000, proposed rule, which incorporates by reference ANSI/CSA Standard Z21.10.3-1998, the applicable industry standard referenced by ASHRAE/IES Standard 90.1-1999. EPCA requires the Department, for certain commercial equipment, to amend its test procedures consistent with amended ASHRAE or ARI industry test procedures. (42 U.S.C. 6314(4)(B)) Because ASHRAE Standard 118.1-2003 is not referenced in the amended ASHRAE Standard 90.1-1999, it would be inconsistent with the statutory language of EPCA to use it as an alternate test procedure as AWH requests.

The most significant differences between the protocols presented in the proposed August 9, 2000, DOE test procedure and those presented in ASHRAE Standard 118.1-2003 are the duration requirements for the Standby Loss Test; other differences are minimal. The ANSI/CSA Standard Z21.10.3-1998 test procedure specifies that the Standby Loss Test shall continue until the first cutout occurs following 24 hours from the time data collection is initiated. Because it is possible for some water heaters to not experience the cutout until days beyond the 24 hour limit, the

industry test standard, ASHRAE Standard 118.1-2003, includes a 48-hour limit to preclude undue test burdens. The inclusion of a 48-hour provision in the proposed DOE test procedure was suggested by the Gas Appliance Manufacturers Association (GAMA) and the California Energy Commission (CEC) in comments submitted in response to the August 9, 2000, proposed rule. The Department agrees with the need for the additional test duration requirement and believes that the evidence in the record is clear and convincing that without the 48-hour termination provision, the standby loss test procedure in the ANSI/CSA Standard Z21.10.3-1998 can pose undue burdens on manufacturers. Therefore, this waiver authorizes the use of ANSI/CSA Standard Z21.10.3-1998, and regarding the Standby Loss Test in section 2.10 of ANSI/CSA Standard Z21.10.3-1998, adds the requirement that the standby loss test duration shall be the shorter of either, (1) until the first cutout following 24 hours from the initiation of data collection, or (2) until 48 hours from the initiation of data collection if the water heater is not in the heating mode at that time.

After careful consideration of all the material that was submitted by AWH and others, the Department has decided to grant this interim waiver for the public policy reason that it is not desirable to make certain models of commercial water heaters noncompliant with the applicable energy efficiency standards given that the appropriate test procedure is not yet finalized. Hence, it is ordered that:

(1) The "Application for Interim Waiver" filed by AWH is hereby granted for the basic models of water heating equipment as follows: G\*2-75T75-4NV, CG\*2-75T75-4NV, PVG\*2-75T75-3NV, PVCG\*2-75T75-3NV, G\*2-100T77-4NV, CG\*2-100T77-4NV, G\*2-75T75-4PV, CG\*2-75T75-4PV, PVG\*2-75T75-3PV, PVCG\*2-75T75-3PV, G\*2-100T77-4PV, CG\*2-100T77-4PV, G\*2-75T75-4NV, CG\*2-75T75-4NV, PVG\*2-75T75-3NV, PVCG\*2-75T75-3NV, G\*2-100T77-4NV, CG\*2-100T77-4NV, G\*2-75T75-4PV, CG\*2-75T75-4PV, PVG\*2-75T75-3PV, PVCG\*2-75T75-3PV, G\*2-100T77-4PV, and CG\*2-100T77-4PV wherein all above asterisks are replaced with warranty periods.

(2) AWH is permitted the use of ANSI/CSA Standard Z21.10.3-1998 to establish compliance with the efficiency standards for its water heating products manufactured after October 29, 2003. Further, regarding the Standby Loss Test, section 2.10 of ANSI/CSA Standard Z21.10.3-1998, the use of an

additional test duration requirement is permitted as follows: The standby loss test duration shall be the shorter of either, (i) until the first cutout following 24 hours from the initiation of data collection, or (ii) until 48 hours from the initiation of data collection if the water heater is not in the heating mode at that time.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a

determination that the factual basis underlying the Application is incorrect.

This Interim Waiver shall remain in effect for a period of 180 days after issuance or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary. DOE is hereby publishing the "Petition for Waiver" in its entirety. (See 10 CFR 430.27(b). The Petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition.

Any person submitting written comments to DOE concerning either the Petition for Waiver or Interim Waiver must also send a copy of such comments to the petitioner. 10 CFR 430.27(b)(1)(iv) and 430.27(d).

Issued in Washington, DC, on March 5, 2004.

**David K. Garman,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

**BILLING CODE 6450-01-P**



July 29, 2003

Mr. David Garman  
Assistant Secretary, Energy Efficiency  
and Renewable Energy  
United States Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Re: Petition for Waiver and Application for Interim Waiver

Dear Sir:

American Water Heater Company respectfully submits this Petition for Waiver and Application for Interim Waiver pursuant to Title 10 CFR Part 431.29. Waiver is requested from the uniform federal test procedures for measuring efficiency of commercial water heaters referenced in 42 U.S.C. Section 6314(a)(4)(A). This petition affects the following water heater models:

**American Water Heater Company - G\*2-75T75-4NV; CG\*2-75T75-4NV;  
PVG\*2-75T75-3NV; PVCG\*2-75T75-3NV; G\*2-100T77-4NV;  
CG\*2-100T77-4NV; G\*2-75T75-4PV; CG\*2-75T75-4PV; PVG\*2-75T75-3PV;  
PVCG\*2-75T75-3PV; G\*2-100T77-4PV; CG\*2-100T77-4PV  
and U.S. Craftmaster Water Heaters - G2\*7575T4NV; CG2\*7575T4NV;  
PVG2\*7575T3NV; PVCG2\*7575T3NV; G2\*10077T4NV; CG2\*10077T4NV;  
G2\*7575T4PV; CG2\*7575T4PV; PVG2\*7575T3PV; PVCG2\*7575T3PV;  
G2\*10077T4PV; CG2\*10077T4PV.**

**Note: Asterisk is replaced with warranty period.**

In the January 12, 2001 Federal Register, DOE published a final rule adopting ASHRAE Standard 90.1-1999 energy efficiency standards for 18 product categories of commercial; heating and air conditioning equipment as uniform national standards pursuant to the Energy Policy and Conservation Act (EPCA), as amended by the Energy Policy Act of 1992 (EPACT). These new mandatory national minimum standards are applicable to commercial water heating products manufactured after October 29, 2003 (i.e. two years after the October 29, 2001 effective date specified in ASHRAE Standard 90.1-1999).

The Notices of Proposed Rules (NOPRs) to adopt new test procedures corresponding with the new efficiency standards related to boilers and water heaters were issued August 9, 2000, but the final rules have still not been issued. This delay in implementation of the

1100 E. Fairview Ave., P. O. Box 1378, Johnson City, TN 37605-1378, Tel: (423) 434-1500, Fax: (423) 434-1632

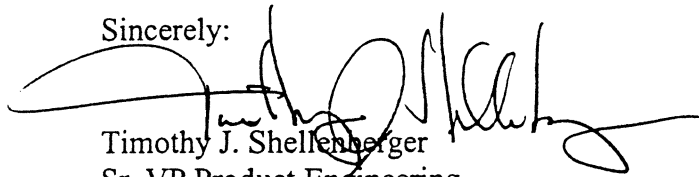
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new test procedures forces water heater manufacturers to continue to test products to the current federal test procedures in order to meet the new federal efficiency standards.

Due to the incompatibility of the current test procedures with the new federal efficiency standards, we are unable to meet the new efficiency requirements using the current test procedure for these products. Exhibit A demonstrates the differences between the current federal test procedures, and those contained in ASHRAE 90.1-1999, and our proposed alternate test method, ASHRAE 118.1-2003. Pursuant to 42 U.S.C. Section 6314(a)(4)(B), DOE is required by law to adopt ASHRAE Standard 118.1-2003, Method of Testing for Rating Commercial Gas, Electric, and Oil Service Water Heating Equipment, as the federal test procedure for commercial water heaters unless DOE can justify by clear and convincing evidence adoption of an alternative test procedure for these products. We respectfully request that DOE allow use of ASHRAE Standard 118.1-2003 to test commercial water heaters.

Manufacturers who market similar products are being sent a copy of this petition (see Exhibit B for list of manufacturers). If any further information is required, please contact me or Jerry Miller at (423) 434-1511.

Sincerely:



Timothy J. Shellenger  
Sr. VP Product Engineering  
American Water Heater Company

Attachment: Exhibit A  
Exhibit B

**EXHIBIT A – Comparison of Thermal Efficiency and Standby Loss Measurements**  
**Referenced by EPACT, ASHRAE 90.1-1999, And ASHRAE 118.1-2003**

	ANSI/CSA Z21.10.3-1990 (EPACT)	ANSI/CSA Z21.10.3-1998 (ASHRAE 90.1- 1999)	ASHRAE 118.1- 2003
<b>Thermal Efficiency (<math>E_T</math>)</b>			
$\Delta T$	70 F	70 F	70 F
<b>Duration</b>	30 min	30 min	30 min
<b>Standby Loss (S)</b>			
<b>Tstat (° F)</b>	160 ± 5	140 ± 5	140 ± 5
<b>Troom (° F)</b>	75 ± 10	75 ± 10	65 - 90
<b>Vary (° F)</b>	± 7	± 7	-
<b>Duration</b>	Not less than 48 hours If on at 48 hours finish cycle	24 hours + next cutout	24 hours + next cutout or 48 hours max. If on at 48 hours finish cycle
<b>Units</b>	%/hour	%/hour	%/hour
<b>Start</b>	After 1 cutout	After 2 cutouts	After 1 cutout

## EXHIBIT B – List of Manufacturers Copy of Petition Submitted To

Ms. Patricia H. Apperson  
Design/Engineering  
Heat Transfer Products, Inc.  
120 Braley Road  
P.O. Box 429  
East Freetown, MA 02717-0429

Mr. William T. Harrigill  
V.P. Prod. Dev. & Res. Eng.  
Rheem Water Heater Division  
Rheem Manufacturing Company  
101 Bell Road  
Montgomery, AL 36117-4305

Mr. Drew Smith  
Director, Engineering  
A.O. Smith Water Products Company  
25731 Highway 1  
McBee, SC 29101-9304

Mr. Michael W. Gordon  
V.P. Engineering  
Bradford White Corporation  
200 Lafayette Street  
Middleville, MI 49333-9492

Mr. George Kusterer  
Technical Field Representative  
Bock Water Heaters  
220 Chestnut Street  
Kutztown, PA 19530-1504

Mr. Jim Smelcer  
V.P. Engineering  
Lochinvar Corporation  
300 Maddox Simpson Parkway  
Lebanon, TN 37090-5349

Mr. John Paisley  
Director of Engineering  
GSW Water Heating Company  
599 Hill Street West  
Fergus, Ontario NIM 2Y4  
Canada

[FR Doc. 04-5361 Filed 3-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP04-185-000]

#### Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 2, 2004.

Take notice that on February 27, 2004, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, effective April 1, 2004:

2nd Revised Sixty-First Revised Sheet No. 8A

2nd Revised Fifty-Third Revised Sheet No. 8A.01

2nd Revised Fifty-Third Revised Sheet No. 8A.02

Thirteenth Revised Sheet No. 8A.04

2nd Revised Fifty-Sixth Revised Sheet No. 8B

2nd Revised Forty-Ninth Revised Sheet No. 8B.01

2nd Revised Sixth Revised Sheet No. 8B.02

FGT states that the tariff sheets listed above are being filed pursuant to Section 27 of the General Terms and Conditions (GTC) of FGT's Tariff which provides for the recovery by FGT of gas used in the operation of its system and gas lost from the system or otherwise unaccounted for. FGT states that the fuel reimbursement charges pursuant to Section 27 consist of the Fuel Reimbursement Charge Percentage (FRCP), designed to recover current fuel usage on an in-kind basis, and the Unit Fuel Surcharge (UFS), designed to recover or refund previous under or overcollections on a cash basis. FGT further states that both the FRCP and the UFS are applicable to Market Area deliveries and are effective for seasonal periods, changing effective each April 1 (for the Summer Period) and each October 1 (for the Winter Period).

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, NE., Washington, DC 20426, in accordance with § 385.214 or § 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 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. This filing 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. 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 TTY, contact (202) 502-8659. 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.

Magalie R. Salas,

Secretary.

[FR Doc. E4-504 Filed 3-9-04; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC04-53-001]

#### Frederickson Power L.P., Puget Sound Energy, Inc.; Notice of Filing

March 2, 2004.

Take notice that on February 27, 2004, Frederickson Power L.P. (Frederickson) and Puget Sound Energy, Inc. (PSE) (collectively, Applicants) filed with the Federal Energy Regulatory Commission their response to the February 12, 2004, request for more information by the Director of the Division of Tariffs and Market Development—West regarding the Applicants' January 14, 2004, Section 203 Application seeking authorization of a disposition of jurisdiction facilities. The disposition for which authorization is sought is the transfer by Frederickson through sale, and the acquisition by PSE through purchase, of a 49.85% undivided ownership interest in the approximately 249 MW nominal generating capacity Frederickson 1 generating facility located near Frederickson, Pierce County, Washington.

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 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. 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.

Comment Date: March 15, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4-506 Filed 3-9-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP97-255-062]

#### TransColorado Gas Transmission Company; Notice of Compliance Filing

March 2, 2004.

Take notice that on February 27, 2004, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sixth Revised Sheet No. 21, Third Revised Sheet No. 22 and Original Sheet No. 22.01, to be effective March 1, 2004.

TransColorado states that the filing is being made in compliance with the Commission's Letter Order issued March 20, 1997, in Docket No. RP97-255-000. The tendered tariff sheets propose to revise TransColorado's Tariff to reflect an amended negotiated-rate contract.

TransColorado states that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and the New Mexico Public Utilities Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC