

Dated: May 12, 2000.

**J. L. Roth,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 00-12998 Filed 5-23-00; 8:45 am]

BILLING CODE 3810-FF-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP99-355-002]

#### Baltimore Gas and Electric Company; Notice of Filing

May 18, 2000.

Take notice that on May 1, 2000, Baltimore Gas and Electric Company (BGE), and Columbia Gas Transmission Corporation (Columbia) separately filed reports to comply with a Commission order issued July 29, 1999, in Docket No. RP99-355-000. The filings report on the parties' efforts to develop an unbundling program with BGE that does not require waiver of the Commission's shipper must have title policy.

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. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

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

*Acting Secretary.*

[FR Doc. 00-13011 Filed 5-23-00; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EF00-2011-000]

#### United States Department of Energy—Bonneville Power Administration; Order Approving Rates on an Interim Basis and Providing Opportunity for Additional Comments

Issued May 19, 2000.

In this order, we approve the Bonneville Power Administration's (Bonneville) proposed rates on an interim basis, pending our full review for final approval. We also provide for an additional period of time for the parties to file comments.

#### Background

On March 21, 2000, the Bonneville Power Administration (Bonneville) filed a request for interim and final approval of an adjustment of its Firm Power Products and Services rate schedule (FPS-96R) in accordance with the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act)<sup>1</sup> and Subpart B of Part 300 of the Commission's regulations.<sup>2</sup> FPS-96R was previously approved by the Commission for a ten-year period through September 30, 2006.<sup>3</sup> The filing incorporates into FPS-96R seasonally and diurnally adjusted rates for the capacity without energy product; the rates were inadvertently omitted when the rate schedule was originally adopted. Bonneville contends that the purpose of this filing is to allow Bonneville to recover the costs that are incurred by Bonneville offering this product, as the inadvertent omission could distort the revenue requirements already adopted by the Commission. Bonneville states that no other aspect of FPS-96R is being adjusted, and it otherwise continues in full force and effect through September 30, 2006.

In accordance with the statutory procedure,<sup>4</sup> Bonneville seeks interim approval of its rates, effective May 1, 2000, pending Commission consideration of whether to approve the rates on a final basis. Bonneville requests approval of the modification of the FPS-96R rate for the period

beginning May 1, 2000, through September 30, 2006.

#### Notice of Filing and Interventions

Notice of Bonneville's filing was published in the Federal Register, 65 Fed. Reg. 19,370 (2000), with comments, protests, or motions to intervene due on or before April 20, 2000.

Goldendale Aluminum Company, Northwest Aluminum Company, Reynolds Metals Company, Kaiser Aluminum & Chemical Corporation, and Elf Atochem, North America (the Aluminum Companies) jointly filed a timely motion to intervene, raising no substantive issues.

Southern California Edison Company (SoCal Edison) filed a timely motion to intervene and protest. SoCal Edison requests that Bonneville's filing be rejected and that interim approval of the rate be denied. SoCal Edison argues that there is no evidence supporting the filing and that Bonneville has failed to comply with the applicable provisions of the Northwest Power Act. SoCal Edison further opposes Bonneville's request for waiver of the filing requirements and the 60-day prior notice requirement of the Commission's regulations. In the alternative, SoCal Edison requests that the Commission deny Bonneville interim approval of the proposed rate, suspend the proposed rate and set this matter for an evidentiary hearing.

SoCal Edison disputes both the procedure by which Bonneville developed the rate and the procedures it has followed in this processing. SoCal Edison states that the methodology used by Bonneville in developing the proposed rate is inconsistent with Bonneville's general obligations to set rates having regard to the recovery of the cost of generation and transmission, to encourage the most widespread use of Bonneville power, and to set rates at the lowest possible rates to consumers. SoCal Edison asserts that the proposed rate is not based upon the actual costs of generation and transmission incurred by Bonneville. Instead, SoCal Edison asserts, Bonneville has proposed a rate supposedly based upon the market even though, by the testimony of its own witness, no market exists.<sup>5</sup> SoCal Edison argues that Bonneville's methodology used in developing this market rate is not supported by credible data or analyses and is inconsistent with the methodology used in developing either market-based rates or cost-based rates in both the 1996 general rate proceeding and the general rate proceeding that

<sup>1</sup> Sections 7(a)(2) and 7(i)(6) of the Northwest Power Act, 16 USC §§ 839e(a)(2) and 839e(i)(6) (1994).

<sup>2</sup> 18 C.F.R. Part 300 (1999).

<sup>3</sup> See United States Department of Energy—Bonneville Power Administration, 80 FERC ¶ 61,118 (1997).

<sup>4</sup> Sections 7(a)(2) and 7(i)(6), 16 U.S.C. §§ 839e(a)(2) and 839e(i)(6) (1994).

<sup>5</sup> SoCal Edison cites to the Cross-Examination Testimony of Gary Bolden, Tr. at 146, lines 6-11.

Bonneville initiated concurrently with the FPS-96R expedited proceeding.

Bonneville filed an answer to SoCal Edison's motion to intervene and protest. Bonneville states, among other things, that it has no objection to a proposed effective date of May 22, 2000. SoCal Edison filed a reply to Bonneville's answer on May 12, 2000.

### Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (1996), the timely and unopposed motions to intervene to the Aluminum Companies and SoCal Edison serve to make them parties to this proceeding.

Rule 213 of the Commission's Rules of Practice and Procedure, 18 CFR 385.213(a)(2), (1999), prohibits answers unless otherwise permitted by decisional authority. We find good cause to allow part of Bonneville's answer, that pertaining to the issue of the effective date, because it provides additional information that assists us in the decision-making process. We will, however, reject that the remainder of Bonneville's answer and SoCal Edison's reply as an impermissible answer to a protest and an answer to an answer, respectively, because they deal with issues other than the effective date.

### Standard of Review

Under the Northwest Power Act, the Commission's review of Bonneville's regional power and transmission rates is limited to determining whether Bonneville's proposed rates meet the three specific requirements of section 7(a)(2):

(1) They must be sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs;

(2) They must be based upon the Administrator's total system costs; and

(3) Insofar as transmission rates are concerned, they must equitably allocate the costs of the Federal transmission system between Federal and non-Federal power.<sup>6</sup>

Commission review of Bonneville's non-regional, nonfirm rates also is limited. Review is restricted to determining whether such rates meet the requirements of section 7(k) of the Northwest Power Act,<sup>7</sup> which requires that they comply with the Bonneville Project Act, the Flood Control Act of

1944, and the Federal Columbia River Transmission System Act (Transmission System Act). Taken together, those statutes require Bonneville to design its non-regional, nonfirm rates:

(1) To recover the cost of generation and transmission of such electric energy, including the amortization of investments in the power projects within a reasonable period;

(2) To encourage the most widespread use of Bonneville power; and

(3) To provide the lowest possible rates to consumers consistent with sound business principles.

Unlike the Commission's statutory authority under the Federal Power Act, the Commission's authority under sections 7(a) and 7(k) of the Northwest Power Act does not include the power to modify the rates. The responsibility for developing rates in the first instance is vested with Bonneville's Administrator. The rates are then submitted to the Commission for approval or disapproval. In this regard, the Commission's role can be viewed as an appellate one: to affirm or remand the rates submitted to it for review.<sup>8</sup>

Moreover, review at this interim stage is further limited. In view of the volume and complexity of a Bonneville rate application, such as the one now before the Commission in this filing, and the limited period in advance of the requested effective date in which to review the application,<sup>9</sup> the Commission generally defers resolution of issues on the merits of Bonneville's application until the order on final confirmation. Thus, the proposed rates, if not patently deficient, generally are approved on an interim basis and the parties are afforded an additional opportunity in which to raise issues with regard to Bonneville's filing.<sup>10</sup>

### Interim Approval

SoCal Edison argues that Bonneville violated the procedural requirements of section 7(i) of the Northwest Power Act in proposing these rates. The Commission, however, does not review purported deficiencies in the Administrator's compliance with the procedural requirements of the Act.<sup>11</sup>

<sup>1</sup> E.g., United States Department of Energy—Bonneville Power Administration, 67 FERC ¶ 61,351 at 62,216–17 (1994); *see also, e.g.*, Aluminum Company of America v. Bonneville Power Administration, 903 F.2d 585, 592–93 (9th cir. 1989), and cases cited therein.

<sup>9</sup> See 18 CFR § 300.10(a)(3)(ii) (1996).

<sup>10</sup> *See, e.g.*, United States Department of Energy—Bonneville Power Administration, 64 FERC ¶ 61,375 at 63,606 (1993); United States Department of Energy—Bonneville Power Administration, 40 FERC ¶ 61,351 at 62,059–60 (1987).

<sup>11</sup> *See* U.S. Department of Energy—Bonneville Power Administration, 28 FERC ¶ 61,078 at 61,146–47 and 61,148 n.2 (1984).

In addition, we are unpersuaded that the arguments of SoCal Edison justify summary rejection of the filing or refusal to approve these rates on an interim basis. We believe, rather, that these issues should be addressed in the course of our final review of these rates. At that time, intervenors may challenge the assumptions underlying Bonneville's filing. Moreover, intervenors will be protected by an express condition that the interim rates will be collected subject to refund with interest.<sup>12</sup>

In its transmittal letter, Bonneville requests interim approval of its proposed FPS-96R rate adjustment effective May 1, 2000; however, the transmittal letter does not include a request for waiver of the Commission's 60-day prior notice requirement to permit a May 1, 2000 effective date or any justification for such waiver. SoCal Edison points out that the draft notice filed by Bonneville with the Commission states that Bonneville is requesting an effective date of May 19, 2000, which date is 60 days after the date of Bonneville's transmittal letter, and which appears to be Bonneville's attempt to design an effective date that complies with the 60-day prior notice requirement. SoCal Edison requests that Bonneville's request for a May 19, 2000 effective date be rejected because the 60th day would be May 20, 2000, and a request for waiver should be filed for any date prior to May 21, 2000. SoCal Edison adds that Bonneville did not request such a waiver, nor did Bonneville show any good cause for the waiver. In its answer, Bonneville states that it simply miscalculated the number of days, and inadvertently requested to have the effective date occur on the 59th day. Bonneville states that it has no objection to changing the proposed effective date to Monday, May 22, 2000. Accordingly, we will accept Bonneville's proposed rate schedule to become effective on May 22, 2000.

The Commission's preliminary review indicates that the filing appears to meet the minimum threshold filing requirements of Part 300 of the Commission's regulations and the statutory standards. Because the Commission's preliminary review of Bonneville's submittal indicates that it does not contain any patent deficiencies, the proposed rates will be approved on an interim basis pending our full review for final approval.

In addition, we will provide an additional period of time for the parties to file comments and reply comments on all issues related to final

<sup>12</sup> 18 CFR § 300a.20(c) (1999).

<sup>6</sup> 16 U.S.C. § 839e(a)(2) (1994). Bonneville also must comply with the financial, accounting, and ratemaking requirements in Department of Energy Order No. RA 6120.2.

<sup>7</sup> 16 U.S.C. § 839e(k) (1994).

confirmation and approval of Bonneville's proposed rates.

*The Commission Orders:*

(A) SoCal Edison's request to reject Bonneville's request for interim approval of the proposed rates is hereby denied.

(B) SoCal Edison's motion for summary rejection of the filing is hereby denied.

(C) Interim approval of Bonneville's proposed FPS-96R rate schedule is hereby granted, to become effective on May 22, 2000, subject to refund with interest as set forth in section 300.20(c) of the Commission's regulations, 18 CFR 300.20(c) (1999), pending final action on either its approval or disapproval.

(D) Within thirty (30) days of the date on the date of this order, all parties who wish to do so may file additional comments regarding final confirmation and approval of Bonneville's proposed rates. All parties who wish to do so may file reply comments within twenty (20) days thereafter.

(E) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

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

*Acting Secretary.*

[FR Doc. 00-13050 Filed 5-23-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP00-364-000]

#### Kinder Morgan Interstate Gas Transmission LLC; Notice of Application

May 18, 2000.

Take notice that on May 11, 2000, Kinder Morgan Interstate Transmission LLC (Kinder Morgan), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP00-364-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline compression facilities located in Kansas, all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/htm> (call 202-208-2222 for assistance).

Kinder Morgan proposes to abandon by removal a 500 horsepower compressor unit at the Stockton Compressor Station in Rooks County, Kansas. Kinder Morgan states that this

unit has not been used since 1985 because of declining gas reserves in the area. Kinder Morgan proposes to abandon by removal 6 compressor units totaling 6,950 horsepower at the Palco Compressor Station also located in Rooks County, Kansas. It is asserted that the compressor station has not been used since February 1988, also due to declining gas reserves in the area. Kinder Morgan proposes to abandon in place 3 compressor units at the Lakin Compressor Station located in Kearny County, Kansas. It is stated that these units, one 1,100 horsepower unit, and two 1,600 horsepower units, have not been utilized since July 1995 because of reduced gas production in the Hugoton Field.

Kinder Morgan estimates the cost of retiring the facilities at \$716,000 and the salvage value at \$25,000. It is asserted that the proposed abandonments will not negatively impact gas flows or the ability to render transportation service on Kinder Morgan's system. It is further asserted that the abandonments will not require any change in Kinder Morgan's FERC Gas Tariff.

Any questions regarding the application should be directed to B.J. Becker, Assistant General Counsel, at (303) 763-3496, Kinder Morgan Interstate Gas LLC, P.O. Box 281304, Lakewood, Colorado 80228-8304.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of

the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Kinder Morgan to appear or be represented at the hearing.

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

*Acting Secretary.*

[FR Doc. 00-13009 Filed 5-23-00; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP00-285-000]

#### Northwest Alaskan Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 18, 2000.

Take notice that on May 15, 2000 Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 2, Forty-Eighth Revised Sheet No. 5, proposed to be effective July 1, 2000.

Northwest Alaskan states that the instant filing is submitted pursuant to Section 4 of the Natural Gas Act, Section 9 of the Alaskan Natural Gas Transportation Act of 1976 and Part 154 of the Federal Energy Regulatory Commission's Regulations. Northwest Alaskan is submitting this filing pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and Pan-Alberta Gas (U.S.), Inc. (PAG-US), and pursuant to Rate Schedules X-1, X-2, and X-3, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (July 1, 2000 through December 31, 2000) the demand charges and demand charge adjustments which Northwest Alaskan will charge during the period.

Northwest Alaskan states that included in Appendix B attached to the filing are the workpapers supporting the derivation of the revised demand charge adjustment reflected on the tariff sheet included therein.

Northwest Alaskan states that it is serving copies of the instant filing to its affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the