

which are affiliated with Dynegy LNG).¹ Dynegy LNG states that the target in-service date for this project is fourth quarter 2003 and with the granting of this petition, Dynegy LNG would assume 100% of the economic risk associated with the facilities.

Dynegy LNG states that it requests a Commission determination by September 12, 2001, so that Dynegy LNG could begin conversion of the terminal to meet a fourth quarter 2003 in-service date, convert the LPG tanker under construction to an LNG tanker, and compete in a timely manner for additional dedicated LNG tankers for year 2004 delivery.

Dynegy states that the basis of this petition is that LNG ought to be able to compete with other gas supply in meeting the country's future energy needs. Dynegy LNG asserts that if LNG labors under unique regulatory barriers, dating back to a by-gone age of pervasive gas supply regulation, then LNG resources will not develop in a timely and natural way to meet market requirements.

Dynegy LNG claims that historically, the regulation of LNG has not worked well. Dynegy LNG believes LNG projects were not built when they were needed—instead they were built when they were not needed. Consumers paid for this in the form of “minimum bills” that guaranteed recovery of various project costs to the LNG subsidiaries of interstate pipelines. This early form of “stranded costs” materialized in the early 1980s when LNG imports ceased due to delivered prices way above market prices.

Dynegy LNG asks that history not be repeated. Dynegy LNG believes LNG should be treated like any other gas supply—no unique regulatory burden and no unique regulatory benefit.

Dynegy LNG asserts that this relief is, in fact, what Congress included in the Energy Policy Act of 1992. Importation of LNG is to be treated as a “first sale” over which the Commission has no jurisdiction. The legislative history of this provision shows that Congress wants importation of LNG to be deregulated like all other gas supply.

Giving effect to the intent of the Energy Policy Act, Dynegy LNG believes will allow LNG to play an appropriate, market-driven role in America's energy future. LNG facilities will be efficiently located in the United States instead of being built in foreign countries (with interconnecting pipelines to the U.S.), or not built at all. And consumers will not be at risk for project failure.

To the extent that the Commission determines that, notwithstanding the Energy Policy Act, it retains jurisdiction to impose conditions on LNG projects, Dynegy LNG requests, in the alternative, that the Commission assert jurisdiction solely to determine that the project is not inconsistent with the public interest and grant import authority to Dynegy LNG without any further proceedings or conditions.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before September 4, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene 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 NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed

documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, 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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-53-000]

Kinder Morgan Interstate Gas Transmission, LLC; Notice of Settlement Conference

August 13, 2001.

Pursuant to Rule 601 of the Commission's Rules of Practice and Procedure, 18 CFR 385.601 (2001), a settlement conference in the above docketed proceeding will be held on

¹ Dynegy LNG in this petition is not requesting any ruling with respect to the header pipeline.

Wednesday, October 10 and Thursday, October 11, 2001, to address the outstanding ad valorem tax issues on the Kinder Morgan Interstate Gas Transmission, LLC system. The conference will be held in the offices of Kinder Morgan, 370 Van Gordon Street, Lakewood, Colorado, 80228. The settlement conference will begin at 10:00 a.m.

The purpose of the conference is to resolve all matters pending in the above docketed proceeding. As agreed at the July 31, 2001 settlement conference, the economic terms of the settlement will be determined at the October 10th session, and the final language of the settlement agreement, including the economic terms, will be determined at the October 11th session. All parties in the above docketed proceeding are directed to participate in both days of this settlement conference or have principals present with full and complete authority to act on all matters addressed, and approve and accept a settlement.

Steven A. Rothman is the mediator for the conference. He will be available to communicate in private with any party prior to the conference. If a party has any questions regarding the conference, please call Mr. Rothman at 202/208-2278 or send an e-mail to steven.rothman@ferc.fed.us. Parties may also communicate with Richard Miles, the Director of the Commission's Dispute Resolution Service at 1 877 FERC ADR (337-2237) or 202/208-0702 and his e-mail address is richard.miles@ferc.fed.us.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1951-079]

Lester C. Reed v. Georgia Power Company; Notice of Complaint

August 10, 2001.

Take notice that on August 7, 2001, Lester Reed filed a complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 (2001), and Part I of the Federal Power Act, 16 U.S.C. 791, *et seq.*, against Georgia Power Company, licensee of the Sinclair Project No. 1951, located on the Oconee River in Baldwin County, Georgia. Mr. Reed alleges that, on 34 days between October 25, 2000, and July 31, 2001, the licenses violated

the minimum flow requirements of Article 401(f) of the March 19, 1996 order issuing new license¹ and paragraph B of the October 10, 1997 order modifying and approving a final plan for monitoring and recording project operations.² Copies of the complaint are on file with the Commission and are available for public inspection in the Commission's Public Reference Room. The complaint may also be viewed on the Internet at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance).

As required by 18 CFR 385.206(c), when Mr. Reed filed his complaint, he was required to simultaneously serve a copy of the complaint on the licensee and affected regulatory agencies. No later than August 15, 2001, Mr. Reed must provide evidence that he served the complaint on these entities.

The licensee may file an answer to the complaint. Any person desiring to be heard or to protest this filing should file comments, 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The licensee's answer and all comments, motions, or protests must be filed on or before September 4, 2001. Any entity wishing to become a party must file a motion to intervene. Comments, motions to intervene, and protests 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.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01-277-000, et al.]

Acadia Power Partners, LLC, et al. Electric Rate and Corporate Regulation Filings

August 13, 2001.

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

¹ 74 FERC ¶ 62,146 (1996).

² 81 FERC ¶ 62,034 (1997).

1. Acadia Power Partners, LLC

[Docket No. EG01-277-000]

Take notice that on August 6, 2001, Acadia Power Partners, LLC (Acadia) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Acadia, a Louisiana limited liability company, proposes to own and operate an electric generating facility and sell the output at wholesale to electric utilities, an affiliated power marketer and other purchasers. The facility is a natural gas-fired, combined cycle generating facility, which is under construction near Eunice, Louisiana.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Duke Energy Lee, LLC

[Docket No. ER01-1988-001]

Take notice that on August 6, 2001, Duke Energy Lee, LLC (Duke Lee) tendered for filing its revised Emergency Redispatch Tariff in compliance with the Federal Energy Regulatory Commission's (Commission) letter order of July 6, 2001.

Comment date: August 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Kansas City Power & Light Co

[Docket No. ER01-2200-001]

Take notice that on August 6, 2001, Kansas City Power & Light Company (KCPL) filed the designation page to Service Agreement No. 24 under its FERC Electric Tariff, First Revised Volume No. 4, providing for the long-term sale of capacity and energy to the City Utilities of Springfield, Missouri. This filing was made to comply with the Order of the Commission in this docket issued on July 23, 2001.

Comment date: August 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. ODEC Power Trading, Inc.

[Docket No. ER01-2783-000]

Take notice that on August 7, 2001, ODEC Power Trading, Inc. (OPT) filed a Petition for blanket authority to sell wholesale power at market-based rates. OPT's Petition is filed pursuant to Section 205 of the Federal Power Act and Rules 205 and 207 of Commission's rules of Practice and Procedure, 18 CFR 385.205 and 385.207. OPT also seeks waiver of the 60-day notice requirement of 18 CFR 35.3 in order to permit OPT