

authorization to issue up to and including (1) 15 million shares of common stock, par value \$1.75 per share, (2) 500,000 shares of cumulative preferred stock, par value \$100 per share, and (3) 500,000 shares of preference stock, par value \$50.

NorthWestern also requests waiver of the competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: June 5, 2002.

Standard Paragraph

E. 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 "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance). 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02-12740 Filed 5-21-02; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Declaration Intention and Solicitation of Comments, Motions To Intervene, and Protests

May 15, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Declaration of Intention.
- b. *Docket No:* DI02-3-000.
- c. *Date Filed:* April 29, 2002.
- d. *Applicant:* AquaEnergy Group, Ltd.

e. *Name of Project:* Makah Bay Project.

f. *Location:* On Makah Bay, near Neah Bay, in Clallam County, Washington, at 48° 19' 53" N, 124° 44' 18" W. The project will utilize federal and tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825 (r).

h. *Applicant Contact:* Ms Mary Jane Parks, P.O.Box 1276, Mercer Island, WA 98040; telephone: (626) 253-1981, E-Mail address: aqua@aeg-ltd.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton at (202) 219-2678, or e-mail address: henry.ecton@ferc.gov.

j. *Deadline for Filing Comments and/or Motions:* June 17, 2002.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Comments 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 at <http://www.ferc.gov>.

Please include the docket number (DI02-3-000) on any comments or motions filed.

k. *Description of Project:* The proposed project will consist of: (1) Four energy-converting buoys; (2) a sealed power habitat on the floor of Makah Bay, containing a pelton turbine and generator with a maximum output of 1 MW; (3) a 2-mile long transmission cable, connected to a land station containing an inverter and transformer; and (4) appurtenant facilities. The facility will be connected to an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine whether or not the proposed project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling

(202) 208-1371. This filing may be viewed on <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call (202) 208-2222 for assistance).

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceedings. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

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