

impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed actions will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC on December 31, 1997.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal and Power Im/Ex, Office of Coal and Power Systems, Office of Fossil Energy.

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DEPARTMENT OF ENERGY

[Docket No. FE-R-79-43B]

Electric And Gas Utilities Covered in 1998 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 And Requirements for State Regulatory Authorities to Notify the Department of Energy

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) require the Secretary of Energy (Secretary) to publish a list, before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA apply during such calendar year. In addition, sections 102(c) and 301(d) of PURPA require each State regulatory authority to notify the Secretary of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. This Notice is to announce the availability of the 1998 list of electric and gas utilities and to request written comments on the accuracy of the list.

The list is available both in hard copy and electronically. The hard copy version of the 1998 list is being provided by mail to all state regulatory authorities. Other parties interested in receiving the hard copy of the list may contact the **FOR FURTHER INFORMATION CONTACT** identified below. In addition, the Office of Coal & Power Import and Export operates a web site as a service to commercial and government users, as well as the general public. The 1998 list is available by accessing the web site at: http://www.fe.doe.gov/coal_power/elec_reg/elec_reg.htm

DATES: Notifications by State regulatory authorities and written comments must be received no later than 4:30 p.m. on February 16, 1998.

ADDRESSES: Notifications and written comments should be forwarded to: U.S. Department of Energy, Office of Coal & Power Import and Export, FE-27, 1000 Independence Avenue, SW, Room 3F-070, Docket No. FE-R-79-43B, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, (202) 586-9506.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of PURPA, Public Law 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*, hereinafter referred to as the Act) the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA apply in 1998.

State regulatory authorities are required by the Act to notify the Secretary as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Act.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency). In the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) of Title I requires the Secretary to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency, or Federal agency that sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy, for purposes other than resale, in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1998 if it exceeded the threshold in any year from 1976 through 1996.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas

utilities. Section 301(d) of Title III requires the Secretary to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency, or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas, for purposes other than resale, in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1998 if it exceeded the threshold in any year from 1976 through 1996.

In compiling the list published today, the DOE revised the 1997 list (62 FR 12625, March 17, 1997) upon the assumption that all entities included on the 1997 list are properly included on the 1998 list unless the DOE has information to the contrary. In doing this, the DOE took into account information included in public documents regarding entities which exceeded the PURPA thresholds for the first time in 1996. The DOE believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this Notice. The DOE will, after consideration of any comment and other information available to the DOE, provide written notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. on February 16, 1998, each State regulatory authority must notify the DOE in writing of each utility on the list over which it has ratemaking authority. Two copies of such notification should be submitted to the address indicated in the **ADDRESSES** section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. FE-R-79-43B." Such notification should include:

1. A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority;
2. Legal citations pertaining to the ratemaking authority of the State regulatory authority; and
3. For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to

comment in writing, no later than 4:30 p.m. on February 16, 1998, on any errors or omissions with respect to the list. Two copies of such comments should be sent to the address indicated in the ADDRESSES section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. FE-R-79-43B." Written comments should include the commenter's name, address, and telephone number.

All notifications and comments received by the DOE will be made available, upon request, for public inspection and copying in the Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

III. List of Electric Utilities and Gas Utilities

The 1998 list consists of two parts (Appendices A and B). Each displays a different tabulation of the utilities that meet PURPA coverage requirements. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect that utility's legal obligations or those of the responsible State regulatory authority under PURPA.

Appendix A contains a list of utilities which are covered by PURPA. These utilities are grouped by State and by the regulatory authority within each State. Also included in this list are utilities which are covered by PURPA but which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to the DOE by State regulatory authorities in response to the March 17, 1997 **Federal Register** notice (62 FR 12625) requiring each State regulatory authority to notify the DOE of each utility on the list over which it has ratemaking authority, public comments received with respect to that notice, and information subsequently made available to the DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority, in fact, may be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify the DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further

subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

Those parties interested in accessing the list electronically through our web site may do so by contacting http://www.fe.doe.gov/coal_power/elec_reg/elec_reg.htm. Once you have accessed our web site just follow the directions to the 1998 list.

The changes to the 1997 list of electric and gas utilities are as follows:

Additions:

Caney Fork Electric Cooperative (TN)
Central Electric Power Association (MS)
Deep East Texas Electric Cooperative, Inc. (TX)
Denton County Electric Cooperative, Inc. (TX)
Johnson County Electric Cooperative, Inc. (TX)
Lea County Electric Cooperative, Inc. (TX)
Magic Valley Electric Cooperative, Inc. (TX)
Maine Public Service Company (ME)
Northern Utilities, Inc. (ME)
Rayburn County Electric Cooperative, Inc. (TX)
Shenandoah Valley Electric Cooperative (VA)
Southside Electric Cooperative (VA)
United Cities Gas Company (TN)
Upshur-Rural Electric Cooperative, Inc. (TX)
West Texas Gas, Inc. (TX)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601) *et seq.*)

Issued in Washington, D.C. on December 31, 1997.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal and Power Im/Ex, Office of Coal and Power Systems Office of Fossil Energy.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-153-000]

High Island Offshore System; Notice of Application for a Blanket Certificate

December 30, 1997.

Take notice that on December 22, 1997, High Island Offshore System (HIOS), 500 Renaissance Center, Detroit, MI 48243, filed in Docket No. CP98-153-000 an application for a Blanket Certificate of Public Convenience and Necessity under Subpart F Part 157 of the Commission's Regulations requesting authority to engage in the

activity described in Section 157.203 of the Commission's Regulations, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said motion should on or before January 20, 1998, 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 384.214 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.

Lois D. Cashell,

Secretary.

[FR Doc. 98-168 Filed 1-5-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-142-000]

National Fuel Gas Supply Corporation; Notice of Application

December 30, 1997.

Take notice that on December 17, 1997, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP98-142-000 an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of a portion of an existing pipeline and permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

National Fuel proposes to replace and relocate 2,735 feet of its existing 20-inch Line K in the Town of Orchard Park, Erie County, New York, with 3,210 feet of 20-inch pipeline located in a new right-of-way. In its application, National Fuel states that leak history and development that has encroached upon the pipeline right-of-way necessitates the relocation and replacement of Line K. National Fuel states that the peak