

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. RP02-498-000]****Questar Pipeline Company; Notice of Take-or-Pay Buyout and Tariff Filing**

August 23, 2002.

Take notice that on August 15, 2002, Questar Pipeline Company (Questar) proposes that it be permitted to flow through \$12,055 in take-or-pay costs to its former sale-for-resale customer Questar Gas Company (formerly Mountain Fuel Supply Company) under the provisions of 25 (Pipeline Supplier Take-or-Pay Buyout/Buydown Billing Recovery) that was terminated December 30, 1999, by Order issued December 22, 1999, in Docket No. RP00-87-000.

Alternatively, should the Commission determine that a specific tariff provision is required, Questar submits for filing and acceptance, pursuant to 18 CFR 154.7, the following tariff sheets to First Revised Volume No. 1 of its FERC Gas Tariff to be effective September 15, 2002:

First Revised Volume No. 1  
Ninth Revised Sheet No. 1  
Fifth Revised Sheet No. 5A.1  
Fourteenth Revised Sheet No. 40  
Fourth Revised Sheet No. 97

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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before August 30, 2002. 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 website at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502-8222 or for TTY, (202) 208-1659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

**[Docket Nos. PL02-8-000, ER96-2495-016, ER97-4143-004, ER97-1238-011, ER98-2075-010, ER98-542-006 (Not consolidated), ER91-569-018 and ER97-4166-010]**

**Conference on Supply Margin Assessment, AEP Power Marketing, Inc., AEP Service Corporation, CSW Power Marketing, Inc., CSW Energy Services, Inc., and Central and South West Services, Inc., Entergy Services, Inc., Southern Company Energy Marketing L.P., Notice of Request for Written Comments on Supply Margin Assessment Screen**

August 23, 2002.

On November 20, 2001,<sup>1</sup> the Commission announced a new market power screen for generation, the Supply Margin Assessment (SMA), to be applied to market-based rate applications on an interim basis pending a generic review of new methods for analyzing market power and established mitigation measures applicable to entities that fail the SMA screen. In addition, in a Notice Delaying Effective Date of Mitigation and Announcing Technical Conference, issued on December 20, 2001 (December 20 Notice), the Commission deferred the date by which the companies in the above-captioned proceedings or any other public utilities must implement the mitigation for spot market energy sales set forth in the November 20 Order, and announced its intention to hold a technical conference open to all interested persons, not only parties in the above-captioned dockets.

Following issuance of the November 20 Order, the parties to the above-captioned proceedings as well as a number of other entities filed comments and/or requests for rehearing. Some commenters generally supported the SMA as an interim screen. Several filed in opposition to the SMA screen as a measure of market power. Some commenters argue that the Commission committed procedural error by replacing

the hub-and-spoke analysis with the interim SMA through case-by-case adjudication, rather than through formal notice-and-comment rulemaking. On the merits, commenters protest, among other things, that the SMA is ill-suited for load-serving entities with capacity committed to serve native load, and that the test should look at uncommitted capacity and should serve only as a screen rather than a definitive analysis for granting market-based rate authority. Commenters also raise substantive and procedural arguments against the mitigation measures established in the November 20 Order, arguing that the mitigation measures are vague, unworkable and poorly tailored. Commenters also address the exemption from the SMA for sales into an RTO/ISO with Commission-approved market monitoring and mitigation. Some commenters oppose the exemption while others suggest the exemption should be expanded to include non-California portions of the WSCC and any market in which participants agree to be bound by an appropriate Commission-approved market monitoring and mitigation plan.

Consistent with our announcement that we would hold a technical conference open to all interested persons, not only parties in the above-captioned dockets, we are hereby establishing a proceeding, Docket No. PL02-8-000, Conference on Supply Margin Assessment Screen, to provide an opportunity for all interested persons to submit comments. In preparation for the technical conference (the date and time of which will be announced in a subsequent notice), the Commission invites all interested persons to submit written comments regarding the SMA screen and related mitigation measures. All comments should include an executive summary; the summary shall not exceed five pages. To conserve time and avoid unnecessary expense, persons with common interests or views are encouraged to submit joint comments. All written comments should be submitted within 60 days from the date of this order and will be placed in the Commission's public files. Comments will be available for inspection at the Commission's Public Reference Room, 888 First Street, NE., Washington DC, 20426, during regular business hours.

Such written comments should be submitted in Docket No. PL02-8-000. A technical conference to discuss the SMA and related mitigation measures will be scheduled on a date to be determined. All future actions with respect to the technical conference will also be taken under Docket No. PL02-8-000.

<sup>1</sup> AEP Power Marketing, Inc., *et al.*, 97 FERC ¶ 61,219 at 61,969 (2001), reh'g pending (November 20 Order).

### Filing Requirements for Paper and Electronic Filings

Comments, papers, or other documents related to this proceeding may be filed in paper format or electronically. However, the Commission strongly encourages electronic filings. Those filing electronically do not need to make a paper filing.

For paper filings, the original and 14 copies of the comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. PL02-8-000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at [www.ferc.gov](http://www.ferc.gov), click on "E-Filing" and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filing is available at 202-502-8258 or by E-mail [toefiling@ferc.fed.us](mailto:toefiling@ferc.fed.us). Comments should not be submitted to the E-mail address.

All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426, during regular business hours. These comments will be available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502-8222 or for TTY, (202) 208-1659.

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

*Deputy Secretary.*

[FR Doc. 02-22026 Filed 8-27-02; 8:45 am]

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### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Docket No. GT02-35-000]

#### Tennessee Gas Pipeline Company; Notice of Filing

August 23, 2002.

Take notice that on August 16, 2002, Tennessee Gas Pipeline Company

(Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Third Revised Sheet No. 338, Fifth Revised Sheet No. 404, Eighth Revised Sheet No. 405, Ninth Revised Sheet No. 405A, Third Revised Sheet No. 405A.01, and Original Sheet No. 405A.02.

Tennessee states that these tariff sheets are being filed to implement more effective creditworthiness safeguards in Article XXVIII of the General Terms and Conditions (GT&C) of its FERC Gas Tariff. Tennessee submits that the revisions are intended to provide the necessary protections to Tennessee and its creditworthy and paying customers from the realistic potential of sudden changes in other customers' financial condition and payment status.

Additionally, Tennessee states that its revised provision will provide customers with the advantage of knowing the necessary requirements and available options for resuming service on Tennessee's system. Furthermore, Tennessee's revised creditworthiness evaluation provision will provide a customer, which loses its creditworthiness, with the flexibility to assess its options in advance and better determine an expedient course of action to limit its exposure. Tennessee requests that the foregoing tariff sheets be made effective on September 16, 2002.

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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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. 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 "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502-8222 or for TTY, (202) 208-1659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. 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.

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

*Deputy Secretary.*

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### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Docket No. RP96-312-085]

#### Tennessee Gas Pipeline Company; Notice of Clarification Filing

August 23, 2002.

Take notice that on August 8, 2002, Tennessee Gas Pipeline Company (Tennessee), tendered for filing a clarification to its Negotiated Rate Tariff Filing of July 25, 2002.

Subsequent to its July 25 filing, Tennessee learned that Rhode Island State Energy Partners, L.P. (RISEP) had merged with Rhode Island State Statutory Energy Trust 2000 (Trust), with the Trust emerging as the surviving entity. Therefore, the negotiated rate arrangement filed on July 25, 2002 is with the Trust and not with RISEP.

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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before August 30, 2002. 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 "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502-8222 or for TTY, (202) 208-1659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the