

by Public Utilities, Recovery of Stranded Costs by Public Utilities and Transmitting Utilities. FERC Stats. & Regs. [Regulations Preambles 1991-96] ¶ 31,036 (1996), and Section 35.26(c)(1)(v)(A) of the Commission's Regulations, Recovery of Stranded Costs by Public Utilities, 61 Fed. Reg. 21,692 (1996) (to be codified at 18 CFR 35.26).

From the date that service termination becomes effective, Duke's obligation to serve Seneca's two delivery points shall cease. If Seneca desires in the future to purchase power from Duke, the parties will negotiate their respective obligations at that time.

This notice of termination has been served upon Seneca, the South Carolina Public Service Commission, and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or 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 Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 4, 1997. 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. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-7995 Filed 3-28-97; 8:45 am]

BILLING CODE 6717-01-M

### Notice of Non-Project Use of Project Lands and Waters

March 25, 1997.

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

*a. Type of Application:* Non-Project Use of Project Lands and Waters.

*b. Project Name:* Catawba-Wateree Project.

*c. Project No.:* FERC Project No. 2232-336.

*d. Date Filed:* January 7, 1997.

*e. Applicant:* Duke Power Company.

*f. Location:* Mecklenburg, North Carolina, Davidson Pond on Lake Norman, Town of Davidson.

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

*h. Applicant Contact:* Mr. E.M. Oakley, Duke Power Company, P.O. Box

1006 (EC12Y), Charlotte, NC 28201-1006, (704) 382-5778.

*i. FERC Contact:* Brian Romanek, (202) 219-3076.

*j. Comment Date:* April 21, 1997.

*k. Description of the filing:*

Application to grant a permit to the Town of Davidson (Town) to excavate a 0.16 acre area in Davidson Pond. The proposed excavation will reestablish the pond's shoreline and reshape the pond bottom to improve the appearance of and safety in the area. Also, the excavation work is intended to reduce the proliferation of mosquitoes and enhance fishing and boating opportunities. In conjunction with the excavation work, the pond would be drained and regraded. A gabion wall would be installed on the southeast end of the pond and 14,000 cubic yards of excavated material would be transported to a location owned by the Town.

*1. This notice also consists of the following standard paragraphs:* B, C1, D2.

**B. 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 proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

**C1. 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, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

**D2. 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.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-8006 Filed 3-28-97; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-178-003]

### Maritimes & Northeast Pipeline, L.L.C.; Notice of Amendment

March 25, 1997.

Take notice that on February 24, 1997, Maritimes & Northeast Pipeline, L.L.C. (Maritimes), c/o M&N Management Company, 1284 Soldiers Field Road, Boston, MA 02135, a Delaware limited liability company, filed in Docket No. CP96-178-003 an amendment to its Application for Phase I of its project (Phase I Amendment) pursuant to Section 7(c) of the Natural Gas Act. The Phase I amendment reflects the effect of the Joint Facilities Application of Maritimes and Portland Natural Gas Transmission System (PNGTS), initially filed with the Commission on February 10, 1997, and completed on March 18, 1997 in Docket No. CP97-238-000 (Joint Facilities Application)<sup>1</sup>, on Maritimes' February 8, 1996, Phase I Application, in Docket No. CP96-178-000.

The completion of the Joint Facilities Application, originally filed February 10, 1997, was preceded by two public conferences at the Commission and four letters from the Office of Pipeline Regulation (OPR) requesting the information required to complete the filing. However, certain information which is needed to complete the processing of the Joint Facilities Application remains to be filed.<sup>2</sup> Complete and accurate filing of that information on the schedule stated in the joint applicants' March 18, 1997, filing is essential for the expeditious processing of the Phase I applications.

The Joint Facilities Application requests authorization to construct and operate approximately 99.8 miles of jointly-owned 30-inch pipeline and appurtenant facilities to accommodate natural gas volumes that would otherwise be transported through the same area by separate pipeline facilities. The Joint Facilities Application

<sup>1</sup> See Notice of Application for Docket No. CP97-238-000 issued on March 21, 1997.

<sup>2</sup> See the March 21, 1997, OPR Director's letter to the Joint applicants.

proposes joint facilities from Dracut, Massachusetts to Westbrook, Maine.

The Phase I Amendment addresses the effects of the Joint Facilities Application on the cost of facilities and rates, the tariff, and the pipeline route set forth in the Phase I Application. The Phase I Amendment adopts the 64.8-mile Dracut to Wells, Maine segment of the Joint Facilities, including one lateral (the Newington Lateral) and three meter stations as the proposed Phase I Facilities.<sup>3</sup> The Phase I Amendment also postpones the proposed in-service date of Phase I from November 1, 1997, to November 1, 1998.

Maritimes states that its revised cost, based on an allocation of its share of the Joint Facilities, is about \$79.5 million. Originally, Maritimes had proposed a 24-inch pipeline from Dracut to Wells at a cost of \$82 million and its own 30-inch pipeline from Dracut to Wells at a cost of \$103.7 million (see Docket No. CP96-178-002).

The rates proposed by Maritimes have been revised to reflect Maritimes' estimate of the allocated cost of the Joint Facilities. Maritimes says that the rates are about the same level as proposed in the Phase I Application and approved in the July 31, 1996 Preliminary Determination (PD) in this docket. The methodology used to design the rates has been revised to reflect a levelization period of 9 years rather than 7 years and to eliminate the allocation of costs to interruptible transportation. In the PD Maritimes' 365-day firm rate was approved as a recourse rate equal to \$18.25 per MMBtu, with \$1 million allocated to interruptible transportation.

Now the proposed 365-day firm transportation rate is \$18.2873 per MMBtu.<sup>4</sup> Maritimes also says that in compliance with the PD it will record the various elements of its negotiated rates in the format prescribed by the Commission. Maritimes also states that minor tariff changes may be needed to coordinate matters such as measurement or quality specifications with PNGTS. To the extent necessary, such changes would be filed with the Commission. On September 30, 1996, Maritimes filed revised tariff sheets in compliance with the various directives of the July 31, 1996, PD. That filing was not noticed at that time, but parties to this proceeding may comment on it in conjunction with

their comments on the amendment in Docket No. CP96-178-003.

Maritimes requests that the Commission issue a PD on the Phase I Amendment by May 31, 1997, and a certificate for Phase I at the same time the Joint Facilities are approved.<sup>5</sup>

Any person desiring to be heard or to make any protest with reference to said Amendment, or the September 30, 1996, tariff compliance filing, should, on or before April 15, 1997, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest/comment in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) 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 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 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 Amendment if no petition 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 Amendment is required by the public convenience and necessity. If a petition 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 procedures herein provided for, unless otherwise advised, it will be unnecessary for Maritimes to appear or be represented at the hearing. Anyone who has already filed a motion to intervene in Docket Nos. CP96-178-000 or CP96-178-002 need not file a motion to intervene again with the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-8070 Filed 3-28-97; 8:45 am]

**BILLING CODE 6717-01-M**

**[Docket No. CP96-809-002]**

## **Maritime & Northeast Pipeline, L.L.C.; Notice of Amendment**

March 25, 1997.

Take notice that on February 24, 1997, Maritimes & Northeast Pipeline, L.L.C. (Maritimes), c/o M&N Management Company, 1284 Soldiers Field Road, Boston, MA 02135, a Delaware limited liability company, filed in Docket No. CP96-809-002,<sup>1</sup> an Amendment to its Application for Phase II of its project (Phase II Amendment) pursuant to Section 7(c) of the Natural Gas Act. This amendment reflects the effect of the Joint Facilities Application of Maritimes and Portland Natural Gas Transmission System (PNGTS), initially filed with the Commission on February 10, 1997, and completed on March 18, 1997, in Docket No. CP97-238-000 (Joint Facilities Application),<sup>2</sup> on Maritimes' September 23, 1996, Phase II Application, in Docket No. CP96-809-000.

The completion of the Joint Facilities Application, originally filed February 10, 1997, was preceded by two public conference at the Commission and four letters from the Office of Pipeline Regulation (OPR) requesting the information required to complete the filing. However, certain information which is needed to complete the processing of the Joint Facilities Application remains to be filed.<sup>3</sup> Complete and accurate filing of that information on the schedule stated in the joint applicants' March 18, 1997, filing is essential for the expeditious processing of the Phase II applications.

The Joint Facilities Application requests authorization to construct and operate approximately 99.8 miles of jointly-owned 30-inch pipeline and appurtenant facilities to accommodate natural gas volumes that would otherwise be transported through the same area by separate pipeline facilities. The Joint Facilities Application proposes joint facilities from Dracut, Massachusetts to Westbrook, Maine.

The Phase II Amendment addresses the effects of the Joint Facilities

<sup>1</sup> A supplemental filing which contained a revised Maritimes *pro forma* tariff for 1998 service and 1999 service was filed on November 1, 1996, and docketed as Docket No. CP96-809-001. This supplement reflects the requirements of Order No. 587 (Gas Industry Standards Board), and conforms the Phase II tariff to tariff changes required by the July 31, 1996, Preliminary Determination for Phase I. It was not noticed at that time, but parties to this proceeding may comment on it in conjunction with their comments on the amendment in Docket No. CP96-809-002.

<sup>2</sup> See Notice of Application for Docket No. CP97-238-000 issued on March 21, 1997.

<sup>3</sup> See the March 21, 1997, OPR Director's letter to the joint applicants.

<sup>3</sup> The Joint Facilities Application lists certain above ground appurtenant facilities to be built by the joint applicants, while the Phase I Amendment lists similar above ground appurtenant facilities to be built by Maritimes.

<sup>4</sup> Rates based on the capital costs of \$103.7 million were never filed.

<sup>5</sup> A data response filed by Maritimes on March 20, 1997, asks for final action by August 1, 1997, but this contradicts the request in the Joint Facilities Application that the Commission issue a final certificate for the Joint Facilities by August 31, 1997.