

**25. California Cogeneration Council, et al.**

[Docket No. EL01-64-000]

Take notice that on April 5, 2001, the California Cogeneration Council (CCC) submitted for filing, on behalf of itself and its member companies, a Petition for an Enforcement Action pursuant to Section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a-3(h)(2)(B) (2000), and Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207.

CCC alleges that Decision 01-03-067, issued by the California Public Utilities Commission (CPUC) on March 27, 2001 (Decision), violates PURPA Section 210, 16 U.S.C. 824a-3 which requires, inter alia, that rates for purchases from QFs shall not exceed incremental cost to the utility, nor shall those rates discriminate against qualifying cogenerators or small power producers. The CPUC decision changes the formula by which avoided cost rates are calculated. This change violates PURPA. CCC alleges, for three reasons: (i) QFs will receive less than their full avoided, or incremental, costs for power produced; (ii) the Decision results in discrimination against QFs as compared to wholesalers and investor-owned utilities, particularly Pacific Gas & Electric Co. and (iii) the Decision discourages cogeneration and is not in the public interest. CCC asks this Commission to institute an enforcement action and take prompt action to grant relief to the QFs from the Decision.

*Comment date:* May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**26. Vineland Cogeneration Limited Partnership**

[Docket No. QF90-176-003]

Take notice that on April 12, 2001, Vineland Cogeneration Limited Partnership, 536 West Elmer Road, Vineland, NJ 08360, filed with the Federal Energy Regulatory Commission an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's regulations.

The Commission previously certified the facility as a qualifying cogeneration facility in Docket No. QF90-176-001. Recertification is sought to reflect a change in the upstream ownership interests in the facility.

The facility is an approximately 46.6 MW (net) topping-cycle cogeneration facility located in Vineland, New Jersey. The facility is interconnected with and supplies electric power to the Vineland Municipal Electric Utility.

*Comment date:* May 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. Any person desiring to be heard or to protest such 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 Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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 these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-10190 Filed 4-24-01; 8:45 am]  
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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests**

April 19, 2001.

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

a. *Type of Application:* Subsequent License for Minor Project.

b. *Project No.:* 719-007.

c. *Date filed:* October 31, 2000.

d. *Applicant:* Trinity Conservancy, Inc.

e. *Name of Project:* Trinity Power Project.

f. *Location:* On Phelps Creek and James Creek in the Columbia River Basin in Chelan County, near Leavenworth, Washington. The project occupies 47.9 acres of federal lands in Wenatchee National Forest.

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

h. *Applicant Contact:* Reid L. Brown, President, Trinity Conservancy, Inc., 3139 E. Lake Sammamish SE, Sammamish, WA 98075-9608, (425) 392-9214.

i. *FERC Contact:* Charles Hall, (202) 219-2853 or [Charles.Hall@FERC.fed.us](mailto:Charles.Hall@FERC.fed.us).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

The Commission's Rules of Practice require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *The Trinity Project consists of:* (1) A deteriorated wooden diversion dam, 70-foot-long flume and settling tank on James Creek, and a 3,350-foot-long, partially destroyed steel penstock, all of which is proposed for decommissioning with this license application; (2) a 45-foot-long, 10-foot-high timber crib diversion dam and screened intake on Phelps Creek; (3) a 24-inch-diameter, 6,000-foot-long, gravity-flow, steel pipe aqueduct; (4) a 20-foot-long, 14-foot-wide, 9-foot-deep, reinforced concrete settling tank; (5) a 42-inch- to 12-inch-diameter, 2,750-foot-long, riveted spiral-wound penstock; (6) a 145-foot-long, 34-foot-wide, wood-frame powerhouse building containing a single Pelton impulse turbine and 240-kilowatt synchronous generator; (7) a tailrace; and (8) appurtenant facilities. The generator supplies the electricity needs of four residences, a cabin and shed; the project is not connected to the electric transmission grid. The licensee proposes to decommission the inoperable James Creek diversion facilities and adjust the project boundary accordingly.

m. 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 2-A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-10193 Filed 4-24-01; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

April 19, 2001.

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

a. *Application Type:* Amendment of License.

b. *Project No:* 2440-041.

c. *Date Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Chippewa Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Av., P.O. Box 8, Eau Claire, WI 54702-0008, (715) 836-1136.

h. *FERC Contact:* Any question on this notice should be addressed to Pete Yarrington at (202) 219-2939.

i. *Deadline for Filing Comments and or Motions:* May 18, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The applicant (Xcel Energy) requests an amendment to article 408 of the license for the Chippewa Falls Hydroelectric Project. Article 408, in part, requires a study of full-depth trashracks, or an alternative enhancement measure, and a determination of residual fish losses as a result of turbine-induced mortality, and a schedule for either minimization or compensation for mortality losses. The applicant proposes that it should, instead, deposit a one-time sum of \$250,000 into a Fish Protection Fund so that protective measures can be installed at the project if technological advances yield a practicable and effective alternative. If feasible alternatives are not found, the money would be used for fish habitat enhancements. This proposal has been negotiated as part of the Lower Chippewa River Settlement Agreement, which was filed with the Commission on February 1, 2001. The settlement agreement was crafted by a group of stakeholders in the Lower Chippewa River Basin, including the applicant, local municipalities, federal and state resource agencies, and non-governmental organizations.

k. *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, NW, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at [www.ferc.fed.us/online/rims.htm](http://www.ferc.fed.us/online/rims.htm) (Call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

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

m. *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.

n. *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 required 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.

o. *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.

**David P. Boergers,**

*Secretary.*

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