

Thus, El Paso states that the project will be constructed on a phased construction and in-service schedule, adding increments of 120,000 Mcf per day by February 2004, 100,000 Mcf per day by April 2004, and 100,000 Mcf per day by April 2005.

El Paso specifically requests a certificate order from the Commission which provides that (1) these facilities are needed and in the public interest in light of the changed circumstances on El Paso's system, (2) the expansion of its capacity by way of the Power-up Project is prudent, and (3) El Paso will be allowed to include the costs associated with such facilities in the rates resulting from the next rate case in which El Paso's costs and revenues are reviewed.

El Paso states that it will not assess the FR shippers the reservation charges attributable directly to the Power-up facilities until the next rate case examining its costs and revenues. El Paso asserts that it will assess usage and fuel charges based on the location of the receipts and deliveries for service provided through these facilities prior to that time, pursuant to the provisions of El Paso's FERC Gas Tariff, Second Revised Volume No. 1-A. It is stated that the project meets the criteria of the Commission's 1999 Policy Statement for construction of new facilities, with benefits outweighing any adverse effects. El Paso estimates the total capital cost for the project at \$173,287,900.

Any questions regarding this application should be directed to Robert T. Tomlinson, Director, Regulatory Affairs, at (719) 520-3788, El Paso Gas Transmission Company, Post Office Box 1087, Colorado Springs, Colorado 80944.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before October 31, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding. Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the Commission's Web site at <http://www.ferc.fed.us/efi/doorbell.htm>. The Commission strongly encourages parties to file interventions electronically.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important to file comments or to intervene as early in the process as possible.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a

final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,
Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02-436-000]

Northern Natural Gas Company; Notice of Application

October 10, 2002.

Take notice that on September 30, 2002, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in the above referenced docket, an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Rules and Regulations for a certificate of public convenience to construct and operate certain compression, pipeline, and town border station (TBS) facilities, with appurtenances, located in various counties in Minnesota in order to expand the capacity of Northern's Market Area facilities (Project MAX), all as more fully described in the application. This application is on file with the Commission and open to public inspection. 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) 502-8659.

Specifically, Northern seeks authority to construct and operate: (1) Modifications at its Farmington Compressor Station located in Dakota County, Minnesota; (2) mainline modifications at the end of its 30-inch C-Line located in Washington County, Minnesota; (3) approximately 4.6 miles of 8-inch loop on its Alexandria branchline located in Morrison County, Minnesota; (4) a new branchline electric compressor station located near Popple Creek, Minnesota; and, (5) modifications at ten existing TBSs located in Douglas, Wright, Stearns, Dakota, Pope, and Sherburne Counties, Minnesota. The incremental capacity created by the subject facilities will be used to serve Northern's high priority residential, commercial, and industrial customers in its Market Area. The proposed

construction and operation will increase the peak day capacity of Northern's Market Area mainline by approximately 16,200 Mcf per day (Mcf/d). Northern states that the total estimated capital cost for the proposed facilities is \$5,833,952.

Northern requests that the Commission issue an order granting approval of the subject facilities by no later than May 1, 2003 in order to ensure an in-service date of November 1, 2003.

Any questions regarding the application should be directed to Mary Kay Miller, Vice President, Rates & Certificates, Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103-0330, telephone (402) 398-7060 or Michael T. Loeffler, Director Certificates and Community Relations, Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103-0330, telephone (402) 398-7103.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before October 31, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project.

This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

The Commission strongly encourages electronic filings of comments, protests, and interventions 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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02-16-000]

Pan-Alberta Gas (U.S.) Inc.; Mirant Americas Energy Marketing, L.P.; Complainants, v. Northern Border Pipeline Company; Respondent; Notice of Complaint

October 10, 2002.

Take notice that on October 8, 2002, pursuant to Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206, Pan-Alberta Gas (U.S.) Inc. (PAGUS) (by its agent Mirant Canada Energy Marketing, Ltd.) and Mirant Americas Energy Marketing, L.P. (MAEM) tendered for filing a Complaint against Northern Border Pipeline Company (Northern Border). PAGUS and MAEM request that the complaint be processed by the Commission on a fast track basis.

PAGUS and MAEM allege that Section 26.2(b) of the General Terms and Conditions of Northern Border's tariff conflicts with long-standing Commission policies because it permits the pipeline in some circumstances to contract its capacity on a long term basis at discounted rates without posting the capacity for bid. They further allege that Section 26.2(b) subverts and undermines the Right of First Refusal ("ROFR") process on the Northern Border system. PAGUS and MAEM request that the Commission invalidate Section 26.2(b).

PAGUS and MAEM also request that the Commission clarify the rights of shippers whose capacity goes through the ROFR bidding process, but is not awarded to any party during that process because no bids acceptable to the pipeline were submitted. PAGUS and MAEM request the Commission to confirm that in that situation, the ROFR matching rights of the existing capacity holders will continue in effect for the remainder of their contract terms.

Finally, PAGUS and MAEM request that the Commission grant preliminary relief in the form of an order prohibiting Northern Border from continuing the ROFR process with respect to PAGUS' capacity until after this Complaint is resolved.

Any person desiring to be heard 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