

the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Fauquier's issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the e-Library (FERRIS) link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 under the "e-Filing" link. The Commission strongly encourages electronic filings.

Linda Mitry,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04-165-001]

Midwestern Gas Transmission Company; Notice of Cash-Out Report

March 1, 2004.

Take notice that on February 25, 2004, Midwestern Gas Transmission Company (Midwestern) tendered for filing a revised Appendix C to its 10th annual cashout report for the September 2002 through August 2003 period, detailing the allocation of the gain for cashout activity by firm shipper.

Midwestern states that it will credit the proper allocation of the net cashout gain in its next issuance of invoices to the firm shippers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed on or before the protest date as shown below. 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. 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 eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. 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.

Protest Date: March 5, 2004.

Linda Mitry,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER04-529-000]

Rolling Hills Landfill Gas, LLC; Notice of Issuance of Order

March 12, 2004.

Rolling Hills Landfill Gas, Inc. (Rolling Hills) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for wholesale sales of capacity, energy, and ancillary services at market-based rates. Rolling Hills also requested waiver of various Commission regulations. In particular, Rolling Hills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by the Rolling Hills.

On March 11, 2004, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Rolling Hills should file a motion to intervene or protest 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).

Notice is hereby given that the deadline for filing motions to intervene

or protests, as set forth above, is April 12, 2004.

Absent a request to be heard in opposition by the deadline above, Rolling Hills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Rolling Hills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Rolling Hills' issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the e-Library (FERRIS) link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 under the "e-Filing" link. The Commission strongly encourages electronic filings.

Linda Mitry,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP93-117-003]

San Diego Gas & Electric Company; Notice of Application for Amended Section 3 Authorization and Presidential Permit

March 15, 2004.

On March 5, 2004, San Diego Gas & Electric Company (SDG&E), 8330 Century Park Court, San Diego, CA 92123, filed in Docket No. CP93-117-003, an application pursuant to section 3 of the Natural Gas Act (NGA) and part 153 of the regulations of the Federal Energy Regulatory Commission (Commission), for an order amending previous authorization and Presidential Permit for the siting, construction, and operation of pipeline and metering

facilities for the export of natural gas at the International Boundary between the United States and Mexico in San Diego County, California. SDG&E states that it seeks authorization to modify these facilities to enable gas to be imported as well as exported through the facilities, pursuant to a mutual assistance agreement with a Mexican utility, all as more fully set forth in the application which 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 "e-Library" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll free at (866) 208-3676, or for TTY contact (202) 502-8659.

Any questions concerning this application may be directed to Carolyn F. Corwin, Covington & Burling, 1201 Pennsylvania Avenue, NW., Washington, DC 20004, or call (202) 662-5338 or fax (202) 778-5338.

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 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) by the comment date, below. 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.

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 Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings. 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.

Comment Date: April 1, 2004.

Magalie R. Salas,

Secretary.

[FR Doc. E4-638 Filed 3-19-04; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL04-87-000]

Southern Company Services, Inc.; Order Proposing to Find Agreements Unjust and Unreasonable Pursuant to Section 206 of the Federal Power Act

March 16, 2004.

Before Commissioners: Pat Wood, III, Chairman; Nora Mead Brownell, Joseph T. Kelliher, and Suede G. Kelly.

1. On February 27, 2004, the Commission inadvertently failed to act on two rollover agreements filed by Southern Company Services, Inc. (Southern),¹ which resulted in their becoming effective by operation of law. This order provides Southern an opportunity to argue to the Commission in a paper hearing why these agreements should not be found to be unjust and unreasonable because certain provisions in the agreements limit the transmission customers' rollover rights in a manner contrary to Commission policy. Pursuant to section 206 of the Federal Power Act,² the Commission initiates this proceeding in which this filing may be made. This action benefits customers by allowing the Commission

¹ Southern Company Services, Inc. acts as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively "Southern Companies").

² 16 U.S.C. 824e (2000).

to consider whether these limitations on transmission customers' rollover rights are consistent with Commission policy.

Background ³

2. On December 30, 2003, in Docket No. ER04-353-000, Southern filed two executed rollover service agreements for continued firm point-to-point transmission service under the Southern Companies Open Access Transmission Tariff (OATT). The service agreement between Southern Companies and Oglethorpe Power Corporation (Oglethorpe) was to become effective on December 1, 2003 with service continuing until November 30, 2004. The service agreement between Southern Companies and Calpine Energy Services, LP (Calpine) was to become effective on January 1, 2004 with service continuing until December 31, 2004.

3. Notice of Southern's filing was published in the **Federal Register**, 69 FR 2346 (2004), with protests and interventions due on or before January 20, 2004. On January 20, 2004, Calpine filed a motion to intervene and protest. On February 4, 2004, Southern filed an answer to Calpine's protest.

4. In its protest, Calpine argues that Southern is attempting to restrict improperly Calpine's rights to renew or rollover its transmission rights. Section 2.2 of the pro forma OATT, Calpine states, provides that an existing long-term (one year or longer) firm transmission customer has the right to continue to take transmission service when the contract expires, rolls over, or is renewed. The Commission has concluded, Calpine adds, that once a transmission provider evaluates the impact on its system of providing transmission service to a customer and decides to grant that customer's request for transmission service, the transmission provider must plan and operate its system with the expectation that it will continue to provide transmission service should the customer request rollover in a timely manner.

5. The Commission did not act on the filing by February 27, 2004, and the two rollover agreements accordingly became effective by operation of law.⁴

Discussion

6. When the Commission inadvertently failed to act by February 27, 2004, Southern's two rollover transmission service agreements became

³ To the extent necessary, the various filings and submittals in Docket No. ER04-353-000 are made part of the record in Docket No. EL04-87-000.

⁴ 16 U.S.C. 842d (2000).