

Issued in Washington, DC, on February 18, 2004.

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Office of Coal & Power Imports/Exports,  
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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP04-64-000]

#### Trunkline Gas Company, LLC; Notice of Filing

February 19, 2004.

Take notice that on February 12, 2004, Trunkline Gas Company, LLC (Trunkline Gas), P.O. Box 4967, Houston, Texas 77210-4967, filed in the captioned docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's rules and regulations. Trunkline Gas requests authorization to construct, own, operate and maintain certain natural gas transmission facilities to provide transportation services. The application is on file with the Commission and open for 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 "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Trunkline Gas proposes to construct 22.8 miles of 30-inch Diameter pipeline by looping a portion of the LNG Lateral originating at the interconnection with the liquefied natural gas import terminal of Trunkline LNG Company, LLC (Trunkline LNG) in Calcasieu, Louisiana, and terminating at Gate 203 A of Trunkline Gas's existing Line 200-2, also in Calcasieu. The proposed facilities also include four new pipeline interconnections, modifications of two existing pipeline interconnections, and replacement of the existing orifice meters at Trunkline LNG Terminal with three ultrasonic meter runs. Trunkline Gas has entered into a Firm Transportation Service Agreement with BG LNG Services, Inc. (BGLS) to provide transportation service up to 1,500 Mdt/day of regasified LNG

pursuant to Rate Schedule FT, for a term of 19 years. Trunkline Gas proposes to place the project in service by July 1, 2005.

Any questions regarding the application are to be directed to William W. Grygar, Vice President of Rates and Regulatory Affairs, 5444 Westheimer Road, Houston, Texas 77056-5306.

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 the below listed comment date, 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.

Motions to intervene, protests and comments 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.

*Comment Date:* March 11, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4-390 Filed 2-24-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER03-587-008, et al.]

#### New York Electric & Gas Corporation, et al.; Electric Rate and Corporate Filings

February 18, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

#### 1. New York State Electric & Gas Corporation

[Docket No. ER03-587-008]

Take notice that on February 13, 2004, New York State Electric & Gas Corporation (NYSEG) tendered for filing pursuant to the Commission's April 28,

2003 Order in Docket No. ER03-587-000, FERC Rate Schedule 20 between NYSEG and Pennsylvania Electric Company consistent with Order No. 614, FERC Stats. & Regs., Para. 31,096 (2000).

*Comment Date:* March 5, 2004.

## 2. Pacific Gas and Electric Company

[Docket No. ER04-13-002]

Take notice that on February 2, 2004, Pacific Gas and Electric Company (PG&E) tendered for filing a refund report in response to and compliance with the Commission's December 2, 2003 Order on Service Agreements and Establishing Hearing and Settlement Judge Procedures in Docket No. ER04-13-000.

PG&E states that copies have been served upon GWF Energy LLC, the California Independent System Operator Corporation, and the California Public Utilities Commission.

*Comment Date:* March 4, 2004.

## 3. White Pine Copper Refinery, Inc.

[Docket No. ER04-262-001]

Take notice that on February 13, 2004, White Pine Copper Refinery, Inc. (White Pine) tendered for filing revisions to its tariff, FERC Electric Tariff, Original Volume No. 1, to include Market Behavior Rules pursuant to the Commission's Orders in Docket No. ER04-262-000, and in Docket Nos. EL01-118-000 and EL01-118-001.

*Comment Date:* March 5, 2004.

## 4. Jersey Central Power & Light Company

[Docket No. ER04-366-001]

Take notice that on February 12, 2004, Jersey Central Power & Light Company (JCP&L) tendered for filing a revised Original Sheet No. 1 to its proposed Market-Based Rate Power Sales Tariff (the Tariff), which was submitted on December 31, 2003. JCP&L has asked to have the revised Original Sheet No. 1 be substituted for that submitted on December 31, 2003 and to have the Tariff, as so modified, be permitted to become effective as of December 17, 2003.

*Comment Date:* February 27, 2004.

## 5. The Connecticut Light and Power Company

[Docket No. ER04-408-001]

Take notice that on February 13, 2004, Northeast Utilities Service Company (NUSCO), on behalf of its affiliate, The Connecticut Light and Power Company (CL&P), filed the executed Substitute Original Service Agreement No. 104 (the Service Agreement) by and between CL&P and Lake Road Trust (Lake Road)

under Northeast Utilities System Companies' Open Access Transmission Tariff No. 10 to replace Original Service Agreement No. 104 filed on January 16, 2004. NUSCO requests an effective date of December 31, 2003 for the Service Agreement, and requests any waivers of the Commission's regulations that may be necessary to permit such an effective date.

NUSCO states that a copy of this filing has been sent to Lake Road.

*Comment Date:* February 23, 2004.

## 6. MidAmerican Energy Company

[Docket No. ER04-497-001]

Take notice that on February 11, 2004, MidAmerican Energy Company (MidAmerican) tendered for filing an amendment to its filing of January 20, 2004, regarding proposed variations in the *pro forma* Large Generator Interconnection Procedures and Large Generator Interconnection Agreement based on existing regional reliability standards applicable to the Mid-Continent Area Power Pool of which MidAmerican is a member.

*Comment Date:* March 3, 2004.

## 7. Southern Company Services, Inc.

[Docket No. ER04-554-000]

Take notice that on February 13, 2004, Southern Company Services, Inc., acting on behalf of Georgia Power Company (GPC), filed with the Federal Energy Regulatory Commission a Notice of Cancellation of the Interconnection Agreement between Athens Development Company, L.L.C. and GPC designated as Service Agreement No. 461 under Southern Companies' Open Access Transmission Tariff, Fourth Revised Volume No. 5. An effective date of February 13, 2004 has been requested.

*Comment Date:* March 5, 2004.

## 8. Automated Power Exchange, Inc.

[Docket No. ER04-556-000]

Take notice that on February 13, 2004, Automated Power Exchange, Inc. (APX) tendered for filing seven (7) Notices of Termination to terminate its electricity exchange tariffs on file with the Commission effective April 15, 2004.

APX states that it has served a copy of the filing on all Participants in APX's electricity exchange markets.

*Comment Date:* March 5, 2004.

## 9. Lowell Power LLC

[Docket No. ER04-557-000]

Take notice that on February 13, 2004, Lowell Power LLC (Lowell Power) submitted for filing to the Commission a Notice of Succession adopting all applicable rate schedules, service

agreements, tariffs and supplements thereto previously filed with the Commission by UAE Lowell Power LLC.  
*Comment Date:* March 5, 2004.

## 10. Virginia Electric and Power Company

[Docket No. ER04-558-000]

Take notice that on February 13, 2004, Virginia Electric and Power Company, doing business as Dominion North Carolina Power, tendered for filing a letter of agreement between North Carolina Municipal Power Agency Number 3 (Power Agency) and Dominion North Carolina Power requested that the Commission make this filing effective on April 13, 2004, sixty days after the date of this filing.

Dominion North Carolina Power states that copies of the filing were served upon the Power Agency, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

*Comment Date:* March 5, 2004.

## 11. ISG Sparrows Point LLC

[Docket No. ER04-559-000]

Take notice that on February 13, 2004, ISG Sparrows Point LLC tendered for filing a Notice of Succession stating that ISG Sparrows Point LLC has adopted and succeeded to the rate schedules filed by ISG Sparrows Point Inc. In addition, ISG Sparrows Point LLC filed revised rate schedules.

*Comment Date:* March 5, 2004.

## Standard Paragraph

Any person desiring to intervene 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 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. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission 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 filed to access the document. For assistance, call (202) 502-8222 or TTY, (202) 502-8659. 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.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM02-4-002, PL02-1-002, RM03-6-001]

#### Critical Energy Infrastructure Information; Notice Soliciting Public Comment

February 13, 2004.

1. On July 23, 2003, the Federal Energy Regulatory Commission (the Commission) issued two final rules—Order Nos. 630-A and 643—involving critical energy infrastructure information (CEII).<sup>1</sup> Order No. 630-A, the order on rehearing of Order No. 630, which was issued on February 21, 2003,<sup>2</sup> provided further instruction on filing, handling, and processing requests for CEII found in Commission records. Order No. 643 was a companion rule that addressed then-existing requirements that companies make certain information publicly available that the Commission itself treated as non-public under newly-issued Order No. 630. The intent of Order No. 643 was to revise requirements that applied to the companies' release of CEII to be consistent with the way in which the Commission was treating that same information. No one sought rehearing of Order No. 643, and no one appealed either rule.

2. In each of the orders, the Commission noted that the two rules "represent[ed] the Commission's best efforts to achieve a delicate balance between the due process rights of interested persons to participate fully in its proceedings and its responsibility to protect public safety by ensuring that access to CEII does not facilitate acts of terrorism." Order No. 630-A, 68 FR 46456 at P 18; Order No. 643, 68 FR

52089 at P 25. At the same time, the Commission committed to solicit public comment after six months in order to identify any potential problems with the treatment of CEII under the two orders. *Id.* This notice provides an opportunity for those with experience under Order Nos. 630, 630-A, and 643 to comment on their experiences under those orders. Such comments are due within 30 days of the date of issuance of this notice.

#### Background

3. The final rule issued in Order No. 630 was the result of over a year of consideration and discussion at the Commission. The effort began shortly after the attacks of September 11, 2001 with the issuance of a policy statement in PL02-1-000 (the Policy Statement), which discussed the recent removal of certain previously-public records from public access through the Public Reference Room, the Commission's document retrieval system, and the Internet. *See* Statement of Policy on Treatment of Previously Public Documents, 66 FR 52917 (Oct. 18, 2001), 97 FERC ¶ 61,130 (2001). The documents affected by the Policy Statement were documents including oversized maps that detailed the specifications of facilities licensed or certified by the Commission. The Policy Statement advised the public to request such information pursuant to the Freedom of Information Act (FOIA) process that is detailed in 5 U.S.C. 552 and in the Commission's regulations at 18 CFR 388.108.

4. Within a few months, the Commission issued a notice of inquiry (the NOI) as the next step in the process. In this same issuance, the Commission provided guidance to those filing information that might warrant non-public treatment under the Policy Statement. *See* Notice of Inquiry and Guidance for Filings in the Interim, 67 FR 3129 (Jan. 23, 2002), FERC Stats. & Regs. ¶ 35,542 (2002). The NOI labeled the information the Commission was seeking to protect as "critical energy infrastructure information, or CEII," but asked for public comment on how to define the scope of the term. In addition, the NOI invited comment on the legal authority to protect CEII (including applicability of FOIA exemptions), requester verification and access issues, use of non-disclosure agreements, and the process for requesting CEII.

5. In September 2002, the Commission issued a notice of proposed rulemaking regarding CEII (the NOPR). 67 FR 57994 (Sept. 13, 2002); FERC Stats. & Regs. ¶ 32,564 (2002). The NOPR proposed an expanded definition

of CEII to include detailed information about proposed facilities as well as those already licensed or certificated. In addition, it proposed a new process that would enable the Commission to restrict general public access to CEII while at the same time permitting those with a need for the information to obtain it in a timely manner. To that end, the NOPR proposed a supplement to the FOIA request process that would enable requesters to get access to CEII that was otherwise exempt from mandatory disclosure under the FOIA. Under the proposed process, requesters would have to provide limited personal information about themselves and their need for the information. This information would be considered in determining whether or not to grant the request. In addition, release would generally be contingent upon the requester agreeing to abide by the terms of an appropriate non-disclosure agreement.

6. On February 21, 2003, the Commission issued Order No. 630, the final rule on CEII. The final rule defined CEII to include information about proposed facilities, and to exclude information that simply identified the location of the infrastructure. In addition, the Commission's related definition of "critical infrastructure" was broad enough to cover virtually all facilities within its jurisdiction. The Commission declined to limit protection to "high risk" projects or facilities, opting instead to include virtually all facilities and components, including computer systems that control or form part of the energy infrastructure.

7. After receiving a request for rehearing on Order No. 630, the Commission issued Order No. 630-A on July 23, 2003, denying the request for rehearing, but amending the rule in several respects. Specifically, the order on rehearing made several minor procedural changes and clarifications, added a reference in the regulation regarding the filing of non-Internet public (NIP) information, a term first described in Order No. 630, and added a commitment to review the effectiveness of the new process after six months. This notice is intended to facilitate such a review.

8. As a separate but related matter, shortly after the Commission issued Order No. 630, it issued a notice of proposed rulemaking in RM03-6 that identified portions of the Commission's regulations that might require companies to disclose information that would be deemed CEII under the standards set forth in Order No. 630. *See* 68 FR 18538, (Apr. 21, 2003), FERC Stats. & Regs. ¶ 32,569 (2003). The goal

<sup>1</sup> Critical Energy Infrastructure Information, Order No. 630-A, 68 FR 46456 (Aug. 6, 2003), FERC Stats. & Regs. ¶ 31,147 (2003); Amendments to Conform Regulations with Order No. 630, Order No. 643, 68 FR 52089 (Sept. 2, 2003), FERC Stats. & Regs. ¶ 31,149 (2003).

<sup>2</sup> Critical Energy Infrastructure Information, Order No. 630, 68 FR 9857 (Mar. 3, 2003), FERC Stats. & Regs. ¶ 31,140 (2003).