

pipeline capacity is transferred. However, to accommodate the broader restructuring transaction/arrangements for the pre-build Western Leg of ANGTS, the Joint Petitioners request waiver of the respective capacity release tariff provisions of PGT and Transwestern to the extent necessary to accommodate PITCO's requested assignment of capacity. Pan-Alberta will, however, be subject to all other terms and conditions contained within PGT's and Transwestern's tariffs (including but not limited to creditworthiness provisions). The Joint Petitioners say that the requested waivers are needed because PITCO's transfer of capacity to Pan-Alberta on the three pipelines includes, in part, a single payment by PITCO to Pan-Alberta.<sup>4</sup>

They say that in order for the broader restructuring proposal to be implemented as desired, Pan-Alberta must have access to, or control of, firm capacity from the Canadian border to Blanco, New Mexico. They also say that loss of any one segment, if it is posted under the standard capacity release provisions, will cause the overall package to fail. They say that neither current Commission rules nor the tariffs of PGT or Transwestern specifically allow a releasing shipper to condition an award of capacity to an acquiring shipper based on that same acquiring shipper also obtaining complementary capacity on upstream and downstream systems from the same releasing shipper.

Northwest Pipeline seeks certificate authority to acquire PITCO's 30% undivided interest in certain jurisdictional facilities which are part of the pipeline system of Northwest Pipeline. The acquisition would be pursuant to the terms of the August 19, 1998, Sales Agreement between Northwest Pipeline and PITCO. These facilities were constructed and are operated by Northwest Pipeline pursuant to a certificate issued in Docket No. CP79-56. These facilities include about 350 miles of 30-inch and 24-inch pipeline loops in Oregon and Idaho; 3,500 horsepower of additional compression at Northwest Pipeline's Baker and Caldwell Compressor Stations; and appurtenant facility modifications at three other compressor stations and the Stanfield Meter Station.

Pursuant to the Sales Agreement, Northwest Pipeline will pay PITCO

\$3,028 for PITCO's interest in the pre-build facilities. Northwest Pipeline says that PITCO stipulates that the stated purchase price represents its current net book value for its pre-build assets. The Sales Agreement also provides that PITCO will pay Northwest Pipeline \$2,276,000 as a one-time reimbursement in lieu of the future O&M payments which will be foregone due to the resulting early termination of the 1978 Investment and Operating Agreement for these facilities.

Northwest Pipeline also requests the Commission to grant any waivers of its accounting regulations necessary to allow Northwest Pipeline to record on its books only the proposed payment to PITCO, and not the original cost and associated accumulated depreciation for the thirty percent interest being acquired from PITCO.

Northwest Pipeline says that its acquisition of PITCO's interest in the pre-build facilities is proposed to occur concurrently with implementation of PITCO's restructuring proposals which are at issue in Docket No. CP98-529-000. Accordingly, Northwest Pipeline says that its acquisition is contingent upon acceptable resolution in both that proceeding, and in its related Petition for Tariff Waiver proceeding in Docket No. RP98-370, of all issues associated with PITCO's proposed assignment to Pan-Alberta of its existing firm transportation agreement with Northwest Pipeline.

Any person desiring to be heard or making any protest with reference to said applications and petition should on or before September 16, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest 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 Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. 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.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the

Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. 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 the commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on these applications if no motion 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 certificate is required by the public convenience and necessity. If a motion 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 procedure herein provided for, unless otherwise advised, it will be unnecessary for any parties to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-739-000]

### Tennessee Gas Pipeline Company; Notice of Application

August 26, 1998.

Take notice that on August 21, 1998, Tennessee Gas Pipeline Company (Tennessee), 1001 Louisiana, Houston,

<sup>4</sup> A separate petition for waiver related to the broader transaction was filed by Northwest Pipeline in Docket No. RP98-370-000 on August 3, 1998. This filing was noticed separately on August 7, 1998, under Section 154.210 of the Commission's Regulations.

Texas 77002, filed in Docket No. CP98-739-000 an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations, requesting authorization to amend the certificate of public convenience and necessity issued to Tennessee on October 9, 1991, in Docket No. CP90-639-000, *et al.*

Specifically, Tennessee requests that the Commission issue an order authorizing Tennessee (1) to abandon 53,000 Dth/day of Section 7(c) transportation service which Tennessee provides to New England Power Company (NEPCO) under Tennessee's Rate Schedule NET, and (2) to provide 53,000 Dth/day of Section 7(c) transportation service to USGen New England, Inc. (USGenNE) under Rate Schedule NET. Tennessee also requests approval of the new USGenNE agreement, which does not entirely conform to Tennessee's *pro forma* NET transportation agreement, all as more fully set forth in the application on file with the Commission and open to public inspection.

Tennessee states that the requested authorizations will enable USGenNE to take assignment of NEPCO's firm entitlement under NEPCO's NET contract with Tennessee. Tennessee also states that the authority requested does not require the construction of any facilities and will not impact service to any of Tennessee's other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1998, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest 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 Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to 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 Federal Energy Regulatory 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 application if no motion to intervene is

filed within the time required herein, if the Commission on its own review of the matter finds that a grant of certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion 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 sharing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER98-1033-004, *et al.*]

#### Automated Power Exchange, Inc., *et al.*; Electric Rate and Corporate Regulation Filings

August 20, 1998.

Take notice that the following filings have been made with the Commission:

##### 1. Automated Power Exchange, Inc.

[Docket No. ER98-1033-004]

Take notice that on August 14, 1998, Automated Power Exchange, Inc. (APX), tendered for filing in compliance with the Commission's July 15, Order in the above-referenced docket.

A copy of this compliance filing has been served on all parties to this proceeding and on all APX Participants.

*Comment date:* September 2, 1998, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Stratton Energy Associates (a New York limited partnership)

[Docket No. EC98-55-000]

Take notice Stratton Energy Associates (SEA), a New York limited partnership, on August 13, 1998, submitted an application, pursuant to 18 CFR 33, seeking authority under Section 203 of the Federal Power Act to sell jurisdictional facilities constituting a 45 MW biomass-fueled power plant located in the Town of Eustis, Maine, together with relevant power sales and interconnection agreements, to Boralex Stratton Energy Inc., a Delaware corporation (Boralex). SEA states that the proposed sales are the final part of a plan that will serve the public interest

by lowering costs to CMP and customers of CMP through a restructuring of long term contracts with qualifying facilities. This plan was described by SEA in filings made in Docket Nos. EC98-42-000 and ER98-2931-000. The transactions do not require and will not result in the withdrawal of any capacity from the market. Boralex plans to continue to operate the transferred assets as a qualifying small power production facility.

SEA has requested expedited consideration of the application, in light of that no amendments of any rate schedules are being requested, and that the purchaser intends to continue to operate the transferred assets as a qualifying small power production facility.

*Comment date:* September 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Statoil Energy Trading, Inc., CNG Power Services Corp., CNG Energy Services Corp., CNG Retail Services Corp., Columbia Energy Services Corp., OGE Energy Resources, Inc., and CinCap IV, LLC

[Docket Nos. ER94-964-019, ER94-1554-017, ER96-3068-005, ER97-1845-003, ER97-3667-003, ER97-4345-006, and ER98-421-002]

Take notice that the following informational filings have been made with the Commission and are on file and available for public inspection and copying in the Commission's Public Reference Room:

On July 31, 1998, Statoil Energy Trading, Inc., filed certain information as required by the Commission's April 5, 1994, order in Docket No. ER94-964-000.

On August 3, 1998, CNG Power Services Corporation filed certain information as required by the Commission's October 25, 1994, order in Docket No. ER94-1554-000.

On August 3, 1998, CNG Energy Services Corporation filed certain information as required by the Commission's October 30, 1996, order in Docket No. ER96-3068-000.

On August 3, 1998, CNG Retail Services Corporation filed certain information as required by the Commission's April 1, 1997, order in Docket No. ER97-1845-000.

On August 3, 1998, Columbia Energy Services Corp., filed certain information as required by the Commission's September 3, 1997, order in Docket No. ER97-3667-000.

On August 3, 1998, OGE Energy Resources, Inc., filed certain information as required by the