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*Protest Date:* October 6, 2003.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project 2210-090]

#### Appalachian Power Company; Notice of Extension of Comment Period

October 2, 2003.

This notice applies to the Smith Mountain Pumped Storage Project, FERC No. 2210. The project is licensed to Appalachian Power Company, a part of American Electric Power and is located on the Roanoke River, in Bedford, Pittsylvania, Franklin, and Roanoke Counties, Virginia.

On September 10, 2003, a Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests was issued for the amendment of license to approve a shoreline management plan filed on September 3, 2003. The comment period ends October 10, 2003. This notice extends the comment period for 90 days until January 10, 2004.

The Commission staff will prepare a Draft Environmental Assessment (DEA) of the application. Once this DEA is completed, it will be noticed to provide an opportunity for Federal, state, and local agencies, as well as the public, to provide comments. All comments will be used in preparing the Final Environmental Assessment to be considered by the Commission when acting on this application.

For further information, contact Heather Campbell at (202) 502-6182.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EF03-2011-000]

#### United States Department of Energy, Bonneville Power Administration; Order Approving Rates on an Interim Basis and Providing Opportunity for Additional Comments

Issued: October 1, 2003.

Before Commissioners: Pat Wood III, Chairman; William L. Massey, and Nora Mead Brownell.

1. In this order we approve on an interim basis, pending our full review for final approval, the Bonneville Power Administration's (Bonneville) proposed modification to the Safety-Net and Financial-Based Cost Recovery Adjustment Clauses (CRACs), and to the Dividend Distribution Clause, under the 2002 Wholesale Power Rate Schedule General Rate Schedule Provisions (GRSPs). We also provide an additional period of time for the parties to file comments. The proposed rates will allow Bonneville to recover its costs and repay the U.S. Treasury for the Federal investment.

#### Background

2. On July 29, 2003, Bonneville filed a request for interim and final approval to modify its CRACs and the Dividend Distribution Clause under the 2002 Wholesale Power Rate Schedule General Rate Schedule Provisions (GRSPs), in accordance with the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act)<sup>1</sup> and subpart B of part 300 of the Commission's regulations.<sup>2</sup> The Commission previously granted final approval of the 2002 GRSPs for a five-year period ending September 30, 2006.<sup>3</sup> Bonneville contends that the CRACs allowed BPA to keep rates low while still addressing any financial shortfalls, rather than instituting higher base rates for the entire rate period.

<sup>1</sup> Sections 7(a) and 7(i)(6) of the Northwest Power Act, 16 U.S.C. 839e(a)(2) and 839e(i)(6) (2000).

<sup>2</sup> 18 CFR part 300 (2003).

<sup>3</sup> United States Department of Energy—Bonneville Power Administration, 104 FERC ¶ 61,093 (2003).

3. In accordance with the statutory procedure,<sup>4</sup> Bonneville seeks interim approval of this adjustment effective October 1, 2003, and final approval effective October 1, 2003 through September 30, 2006.

#### Notice of Filing and Interventions

4. Notice of Bonneville's filing was published in the **Federal Register**, 68 FR 47561 (2003), with comments, protests, or motions to intervene due on or before September 3, 2003.

5. Avista Corporation, Generating Public Utilities, Eugene Water & Electric Board, Golden Northwest Aluminum, Inc., PacifiCorp, Portland General Electric, Puget Sound Energy, Inc., and the City of Tacoma, Department of Public Utilities, Light Division, d/b/a Tacoma Power filed timely motions to intervene raising no issues. Northwest Requirements Utilities (NRU) filed a motion to intervene out of time.

6. In addition, Alcoa, Inc., Generating Public Utilities, Industrial Customers of Northwest Utilities, Golden Northwest Aluminum, Inc., Pacific Northwest Generating Cooperative, Public Power Council, and the Columbia River Inter-Tribal Fish Commission, Confederated Tribes of the Umatilla Reservation, and the Yakama Nation (collectively, Protesters) filed timely motions to intervene and protests.

#### Discussion

##### Procedural Matters

7. Under Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2003), the notices of intervention and timely, unopposed motions to intervene make the entities that filed them parties to this proceeding. We will grant NRU's untimely, unopposed motion to intervene because: NRU's interests cannot be adequately represented by other parties; NRU intervened at an early stage of the proceeding; and no prejudice or additional burden upon existing parties will result from permitting the intervention.

##### Standard of Review

8. Under the Northwest Power Act, the Commission's review of Bonneville's regional power and transmission rates is limited to determining whether Bonneville's proposed rates meet the three specific requirements of section 7(a)(2):

They must be sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over

<sup>4</sup> Sections 7(a) and 7(i)(6) of the Northwest Power Act, 16 U.S.C. 839e(a)(2) and 839e(i)(6) (2000).