

the amendment application on June 8, 2005, and published notice in the **Federal Register** on June 15, 2005.<sup>3</sup> Movant therefore was on notice of licensee's application, but failed to timely respond to it.<sup>4</sup> Allowing late intervention at this point in the proceedings would create prejudice and additional burdens on the Commission and its applicants.

The Commission expects parties to intervene in a timely manner based on the reasonably foreseeable issues arising from the applicant's filings and the Commission's notice of proceedings.<sup>5</sup> The Commission has held that the party bears the responsibility for determining when a proceeding is relevant to its interests, such that it should file a motion to intervene. When a party fails to intervene in a timely fashion, the party assumes the risk that the case will be settled in a manner that is not to its liking.<sup>6</sup> The Commission has previously explained that an entity cannot "sleep on its rights" and then seek untimely intervention.<sup>7</sup> Therefore, Friends of the River's argument that it would not have known of its actual need to become a party in the proceeding until the Commission issued its environmental determinations in the EA is without merit.

Movant has failed to demonstrate good cause standard for granting late intervention. The motion for late intervention in these proceedings filed by movant is therefore denied.

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection must be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713 (2007).

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E7-23622 Filed 12-5-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR08-3-000]

#### CKB Petroleum, Inc.; Notice of Request for Temporary Waiver of Tariff Filing and Reporting Requirements

November 29, 2007.

Take notice that on November 15, 2007, CKB Petroleum, Inc. (CKB) tendered for filing an application for temporary waiver of the Interstate Commerce Act section 6 and section 20 tariff filing and reporting requirements applicable to interstate common carrier pipelines.

In support thereof, CKB states that it owns and undivided interest in a pipeline that runs from South Pass in Federal waters, offshore Louisiana, to the West Delta Receiving Station in Venice, Louisiana, through which it has transported crude oil exclusively for its parent company. CKB further states that despite having an effective tariff on file with the Commission since March 1, 1985, it has never received a request for service from an unaffiliated third party.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the

Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time December 11, 2007.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR08-5-000]

#### Consumers Energy Company; Notice of Petition for Rate Approval

November 28, 2007.

Take notice that on November 20, 2007, Consumers Energy Company (Consumers) filed a petition for approval of rates for interruptible transportation services, pursuant to section 284.123(b)(2) of the Commission's regulations. Consumers requests that the Commission approve an interruptible transportation rate of \$0.2623 per Dth plus up to 1.10% for fuel and lost and unaccounted for gas. Consumers states that the current interruptible transportation rate is \$0.1429 per Dth plus up to 2.29% for fuel and lost and unaccounted for gas. The Commission's April 21, 2005 letter order required Consumers to make an informational filing of cost and throughput data on or before November 24, 2007 or file a petition for rate approval pursuant to section 284.123(b)(2).

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest

<sup>3</sup> 70 FR 34,750 (2005).

<sup>4</sup> See *Federal Crop Ins. Corp. v. Merrill*, 332 U.S. 380 (1947) (holding that **Federal Register** publication provides notice to all affected parties).

<sup>5</sup> See *California Water Resources Department and the City of Los Angeles*, 120 FERC ¶ 61,057 at n.9 (2007).

<sup>6</sup> *Id.* at P 13.

<sup>7</sup> *Id.* at P 14.

on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time December 10, 2007.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E7-23624 Filed 12-5-07; 8:45 am]  
**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP08-22-000]

#### DCP Midstream, LP; Notice of Petition for Declaratory Order

November 28, 2007.

Take notice that on November 13, 2007, DCP Midstream, LP (DCP Midstream) 370 17th Street, Suite 2500, Denver, Colorado 80202 filed in Docket No. CP08-22-000, under Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2007), a petition for a declaratory order requesting that the Commission disclaim jurisdiction over certain natural gas facilities DCP Midstream would purchase from Transcontinental Gas Pipe Line Corporation (Transco),<sup>1</sup> because such facilities perform a gathering function and would be exempt from the

<sup>1</sup> Transco filed an application with the Commission in Docket No. CP08-25-000 on November 13, 2007, requesting permission and approval to abandon the subject facilities by sale to DCP Midstream.

Commission's jurisdiction under section 1(b) of the Natural Gas Act.

DCP Midstream states that it would purchase Transco's South Texas facilities, consisting of approximately 135.6 miles of natural gas pipelines and related meter stations, valves, miscellaneous field and tie-in piping, other appurtenances along the pipeline segments, and related realty and easement rights. These facilities would handle unprocessed natural gas in Hidalgo, Willacy, Starr, Brooks, and Jim Wells Counties, Texas, and would be incorporated into DCP Midstream's existing south Texas gathering facilities for processing at DCP Midstream's LaGloria Processing Plant.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* December 19, 2007.

**Kimberly D. Bose,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER07-1247-000; ER07-1247-001; ER07-1247-002]

#### FC Energy Services Company, LLC; Notice of Issuance of Order

November 28, 2007.

FC Energy Services Company, LLC (FC Energy) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. FC Energy also requested waivers of various Commission regulations. In particular, FC Energy requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by FC Energy.

On November 28, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development-West, granted the requests for blanket approval under part 34 (Director's Order). The Director's Order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard concerning the blanket approvals of issuances of securities or assumptions of liability by FC Energy, should file a 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, 385.214 (2004).

Notice is hereby given that the deadline for filing protests is December 28, 2007.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, FC Energy 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 FC Energy, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.