

the Executive Director, ED-33, 888 First Street, NE., Washington, DC 20426. Comments on the proposed collection of information may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC04-515-000.

Documents filed electronically via the Internet can be prepared in a variety of formats, including WordPerfect, MS Word, Portable Document Format, Rich Text Format or ASCII format. To file the document, access the Commission's Web site at <http://www.ferc.gov> and click on "Make an E-filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's e-mail address upon receipt of comments. User assistance for electronic filings is available at (202) 502-8258 or by e-mail to [efiling@ferc.gov](mailto:efiling@ferc.gov). Comments should not be submitted to this e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's home page using the eLibrary link. For user assistance, contact [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676 or for TTY, contact (202) 502-8659.

**FOR FURTHER INFORMATION CONTACT:**

Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873 and by e-mail at [michael.miller@ferc.gov](mailto:michael.miller@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

The information collected under the requirements of FERC-515, "Hydropower Licensing, Declaration of Intention" (OMB No. 1902-0079) is used by the Commission to implement the statutory provisions of part I, section 23(b) of the Federal Power Act (FPA), 16 U.S.C. 817. Section 23(b) authorizes the Commission to make a determination as to whether it has jurisdiction over a proposed hydroelectric project. Section 23(b) also requires that any person intending to construct project works on a navigable commerce clause water must file a declaration of their intention to do so with the Commission. If the Commission finds the proposed project will have an impact on "interstate or foreign commerce", then the person

intending to construct the project must obtain a Commission license or exemption before starting construction. Such sites are generally on streams defined as U.S. navigation waters, and over which the Commission has jurisdiction under its authority to regulate foreign and interstate commerce. The information is collected in the form of a written application, declaring the applicant's intent and used by Commission staff to research the jurisdictional aspects of the project. This research includes examining maps and land ownership records to establish whether or not there is Federal jurisdiction over the lands and waters affected by the project. A finding of non-jurisdictional by the Commission eliminates a substantial paperwork burden for the applicant who might otherwise have to file for a license or exemption application. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 24.

*Action:* The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

*Burden Statement:* Public reporting burden for this information collection is estimated as:

No. of respondents annually (1)	No. of responses per respondent (2)	Average burden (No. of hours per response) (3)	Total annual burden (Total No. of hours) (1) × (2) × (3)
10 .....	1	80	800

Estimated cost to respondents: 800 hours ÷ 2,080 per year × \$107,185 = \$41,225. The cost per respondent = \$4,125 (rounded off). The reporting burden includes the total time, effort, or financial resources to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimated of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs

include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Magalie R. Salas,**  
*Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Notice of the Revocation Of Market-Based Rate Tariffs**

September 20, 2004.

In the matter of: ER02-2001-003, ER98-4240-002, ER00-2363-001, ER00-1975-001, ER97-360-013, ER97-1428-006, ER97-3788-010, ER97-2604-007, ER97-1643-001, ER96-659-017, ER97-1630-004, ER96-1283-008, ER00-741-002, ER95-964-011, ER99-3005-003, ER97-2792-010, ER01-

1279-002, ER96-1798-006, ER97-4427-004, ER97-4173-001, ER94-1580-022, ER00-2248-001, ER96-280-016, ER98-1622-008, ER96-3086-011, ER01-1897-002, ER98-1486-004, ER00-1453-001, ER97-2413-012, ER98-3393-006, ER99-3142-001, ER97-3416-006, ER97-4787-001, ER96-2583-002, ER95-257-020, ER98-4264-001, ER96-594-006, ER96-2435-001, ER98-3433-005, ER95-792-014, ER98-1148-006, ER96-1119-008, ER99-505-005, ER97-135-001, ER98-174-007, ER99-1184-002, ER96-203-004, ER97-778-004, ER98-3344-001, ER98-1824-009, ER98-1953-006, ER98-1421-006, ER95-914-013, ER96-1930-011, ER96-1754-001, ER96-332-008, ER94-931-016, ER95-1234-017, ER95-473-012, ER96-947-015, ER01-40-001, ER97-3056-004, ER98-3012-002, ER98-3261-003, ER97-765-008, ER95-1047-011, ER96-2882-014, ER98-2175-008, ER99-4044-001, ER96-1724-010, ER98-3526-007, ER95-385-010, ER01-1496-001, ER96-906-009, ER94-1676-017, ER92-429-020, ER97-2900-002, ER02-517-003, ER01-36-002, ER97-3306-003, ER00-1408-001, ER98-1829-009, ER97-2426-004, ER96-525-012, ER95-1855-012, ER97-1248-005, ER96-1150-003, ER97-3526-006, ER96-2914-007, ER97-2517-009, ER98-1823-005, Electric Quarterly Reports, Abacus Group, Ltd., Allied Companies, LLC, American Energy Savings, Inc., American Energy Trading, Inc., American Power Reserve Marketing, Anker Power Services, Inc., Applied Resources Integrated Services, Inc., APRA Energy Group, Inc., Bonneville Fuels Management Corp., Brennan Power, Inc., BTU Power Corporation, Canal Emirates Power International, Inc., CNB/Olympic Gas Services, Coast Energy Group, Community Electric Power Corporation, Connecticut Energy Cooperative, Inc., CPS Capital, Limited, Electric Lite, Inc., Electrical Associates Power Marketing, Inc., Energy Resource Marketing, Inc., Energy Trading Company, Inc., Energy Transfer Group, LLC, Energy Unlimited, Inc., Energy2, Inc., EOPT Power Group Nevada, Inc., Equinox Energy, LLC, Essential Utility Resources, LLC, FINA Energy Services Company, Fortistar Power Marketing, LLC, FPH Electric, LLC, Global Energy & Technology, Inc., High Island Marketing, Inc., Hubbard Power & Light, Inc., Industrial Gas & Electric Services Co., International Energy Ventures, Inc., International Utility Consultants Inc., J.D. Enterprises, JMF Power Marketing, K Power Company, Inc., Kamps Propane, Inc., Kibler Energy Ltd, Lakeside Energy Services, LLC, Manner Technologies, LLC, Millennium Energy Corporation, Minnesota Agri-Power, LLC, Multi-Energies USA, Inc., NXIS, LLC, Omni Energy, Pacific Energy & Development Corp., PG Energy PowerPlus, Polaris Electric Power Company, Inc., Power Clearinghouse, Inc., Power Fuels, Inc., Powerline Controls, Inc., PowerMark, LLC, PowerNet G.P., Prairie Winds Energy, Inc., Proven Alternatives, Inc., Quantum Energy Resources, Inc., Quinnipiac Energy, LLC, R. Hadler and Company, Inc., Rainbow Power USA LLC, Reliable Energy, Inc., Revelation Energy Resources Corporation, Ruffin Energy Services, Inc., Russell Energy Services Company, Saleam Electric, Inc., Sandia Resources Corporation, SDS Petroleum Products, Inc., Shamrock

Trading, LLC, Southeastern Energy Resources, Inc., Sundance Energy, SuperSystems, Inc., Texas-Ohio Power Marketing, Inc., Torco Energy Marketing, Inc., United Regional Energy, L.L.C., US Gas & Electric, USPower Energy, LLC, UTIL Power Marketing Inc., Utilimax.com, Inc., UtiliSource Corporation, UtiliSys Corporation, Utility Management & Consulting, Inc., VTEC Energy Inc., Wasatch Energy Corporation, Wheeled Electric Power Co., Woodruff Energy, Working Assets Green Power, Inc., Xenergy, Inc., XERXE Group, Inc.

On June 23, 2004, the Commission issued an Order (June Order)<sup>1</sup> stating its intent to withdraw market-based rate authority from 96 public utilities that had not filed Electric Quarterly Reports. The Commission gave the utilities 30 days to file their overdue Electric Quarterly Reports or face cancellation of their market-based rate tariffs.

In Order 2001,<sup>2</sup> the Commission required public utilities, including power marketers, to file, among other things, Electric Quarterly Reports summarizing the contractual terms and conditions in their agreements for all jurisdictional services (including market-based power sales, cost-based power sales, and transmission service) and transaction information (including rates) for short-term and long-term market-based power sales and cost-based power sales during the most recent calendar quarter.

Six of the 96 companies identified in the June Order made the required filings. The above-captioned companies have not filed Electric Quarterly Reports. Commission staff made a concerted effort to contact each of these companies. Contact was attempted in writing, by e-mail and by telephone to remind them of their regulatory obligation. In the June Order, the Commission ordered:

Within 30 days of the date of issuance of this order, each public utility listed in the caption of this order shall file its Electric Quarterly Reports for the 2nd, 3rd, and 4th Quarters of 2002 and the 1st, 2nd, 3rd and 4th Quarters of the 2003 and 1st and 2nd Quarters of 2004. If no such filings are made, the Commission will withdraw the public utility's authority to sell power at market-based rates and terminate its electric market-based rate tariff.

The Commission hereby withdraws the market-based rate authority and

<sup>1</sup> Intent to Revoke Market-Based Rate Authority, (June 23, 2004).

<sup>2</sup> Revised Public Utility Filing Requirements, Order No. 2001, 67 Fed. Reg. 31043, FERC Stats. & Regs. ¶ 31,127 at P 11-12, 18-21 (April 25, 2002), *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reconsideration and clarification denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filings*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002).

terminates the electric market-based rate tariff for each of the 90 companies captioned above in this Notice.

Magalie R. Salas,  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER96-2495-022; ER97-4143-010; ER97-1238-017; ER98-2075-016; ER98-542-012]

#### AEP Power Marketing, Inc., AEP Service Corporation, CSW Power Marketing, Inc., CSW Energy Services, Inc., and Central and South West Services, Inc.; Notice of Amendment to Compliance Filing

September 20, 2004.

Take notice that on September 16, 2004, AEP Power Marketing, Inc. (AEP), AEP Service Corporation, CSW Power Marketing, Inc., CSW Energy Services, Inc., and Central and South West Services, Inc., (collectively AEP), submitted an amendment to the compliance filing submitted August 9, 2004, as supplemented on August 10, 2004, in Docket No. ER96-2495-020, *et al.*

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, 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 comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

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