

ensure access for LEP individuals, DOE acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOE will look favorably on intermediate steps recipients take that are consistent with this Guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. In developing any phased implementation schedule, DOE recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

[FR Doc. 04-18636 Filed 8-13-04; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER04-824-001, et al.]

#### PECO Energy Company, et al.; Electric Rate and Corporate Filings

August 6, 2004.

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

##### 1. PECO Energy Company

[Docket Nos. ER04-824-001 and ER04-825-001]

Take notice that on August 2, 2004, PECO Energy Company (PECO Energy) tendered for filing a response to the deficiency letter issued on July 2, 2004, in Docket Nos. ER04-824-000 and ER04-825-000. PECO Energy states that the filing deals with revisions to two interconnection agreements between PECO Energy and Exelon Generation Company, LLC, which PECO Energy

filed with the Commission on May 7, 2004.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 2. Calpine Energy Management, L.P.

[Docket No. ER04-1080-000]

Take notice that on August 2, 2004, Calpine Energy Management, L.P. (CEM) filed a Notice of Succession to adopt CES Marketing IV, L.P.'s market-based rate authorizations and an amendment to its FERC Rate Schedule No. 1 to include a tariff provision prohibiting power sales to affiliated public utilities with a franchised electric service territory. CEM requests an effective date of August 3, 2004.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 3. PCF2, LLC

[Docket No. ER04-1081-000]

Take notice that on August 2, 2004, PCF2, LLC (PCF2), filed a Notice of Succession to adopt CES Marketing III, LLC's market-based rate authorizations and an amendment to its FERC Rate Schedule No. 1 to include a tariff provision prohibiting power sales to affiliated public utilities with a franchised electric service territory. PCF2 requests an effective date of August 3, 2004.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 4. BS Energy LP

[Docket No. ER04-1082-000]

Take notice that on August 2, 2004, BS Energy LP (BSELP) filed BS Energy LP Rate Schedule FERC No. 1, and requested the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and requested the waiver of certain Commission regulations. BSELP states that it intends to engage in wholesale electric power and energy purchases and sales as a marketer. BSELP also states that it is not engaged in the business of generating or transmitting electric power.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 5. Foothills Generating, L.L.C.

[Docket No. ER04-1085-000]

Take notice that on August 2, 2004, Foothills Generating, L.L.C. (Foothills) filed a Notice of Cancellation of its Market-Based FERC Electric Rate Tariff and all rate schedules and/or service agreements, effective October 1, 2004.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 6. Illinois Power Company and Midwest Independent Transmission System Operator, Inc.

[Docket No. ER04-1091-000]

Take notice that on August 2, 2004, Illinois Power Company (Illinois Power) and the Midwest Independent Transmission System Operator, Inc. (Midwest ISO), (collectively Applicants) filed an application requesting that the Commission authorize the Midwest ISO to: (1) Return to Illinois Power the "exit fee" payment that Illinois Power made when it withdrew from the Midwest ISO in 2001; (2) reimburse Illinois Power for the costs that it incurred in connection with the development of the Alliance RTO; and (3) recover through Schedule 10 of the Midwest ISO's tariff, the amounts that the Midwest ISO pays to Illinois Power.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 7. Southwest Power Pool, Inc.

[Docket No. ER04-1096-000]

Take notice that on August 2, 2004, Southwest Power Pool, Inc. (SPP) pursuant to the Commission's order issued on July 2, 2004,<sup>1</sup> submitted a further compliance filing concerning the Commission's requirement of a seams agreement in connection with SPP's efforts to gain final approval as a Regional Transmission Organization (RTO) under Order Nos. 2000 and 2000-A.

SPP states that copies of the filing were served upon the SPP's members and affected state regulatory commissions.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

##### 8. Southwest Power Pool, Inc.

[Docket Nos. RT04-01-004 and ER04-48-004]

Take notice that on August 2, 2004, Southwest Power Pool, Inc. (SPP) pursuant to the Commission's order issued July 2, 2004,<sup>2</sup> submitted a further compliance filing in connection with its efforts to gain final approval as a Regional Transmission Organization (RTO) under Order Nos. 2000 and 2000-A. SPP states that, with the materials included with its August 2, 2004 filing, it has fully satisfied all outstanding compliance conditions for RTO recognition.

SPP states that copies of the filing were served upon SPP's members and affected state regulatory commissions.

<sup>1</sup> Southwest Power Pool, Inc., 108 FERC ¶ 61,003 (2004) (July 2 Order).

<sup>2</sup> Southwest Power Pool, Inc., 108 FERC ¶ 61,003 (2004).

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

### Standard Paragraph

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 comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to 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 online 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.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC04-144-000, et al.]

#### **MxEnergy Electric Inc., et al.; Electric Rate and Corporate Filings**

August 5, 2004.

The following filings have been made with the Commission. The filings are

listed in ascending order within each docket classification.

#### **1. MxEnergy Electric Inc.**

[Docket Nos. EC04-144-000 and ER04-170-004]

Take notice that on August 2, 2004, MxEnergy Electric Inc. (MxEnergy Electric or Applicant) filed an application under section 203 of the Federal Power Act requesting Commission authorization for the following transactions: (1) The transfer of indirect upstream membership interests in Applicant in any amount among existing shareholders (Investors) and option holders (Option Holders) of Applicant's upstream owner MxEnergy Inc. (MxEnergy) and the transfer of additional indirect upstream membership interests in Applicant in any amount to Investors through the exercise of warrants; (2) the transfer of 5 percent or less of the indirect upstream membership interests in Applicant to employees and directors of and consultants to MxEnergy (collectively, MxEnergy Associates) through the exercise of options, conversion of warrants, or pursuant to incentive compensation plans; and (3) the transfer of indirect upstream membership interests in Applicant in any amount from Investors to: (a) Investors' family members and entities which only Investors' family members may benefit from (collectively, Family Entities), (b) Investors' legal representatives (Legal Representatives), and (c) Investors' affiliates (Affiliates), as defined in the Application. Applicant has requested privileged treatment of the contents of *Exhibit I* to the Application. In addition, Applicant filed a notice of change in status in the above-referenced rate docket.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

#### **2. Virginia Electric and Power Company and Dominion Energy Marketing, Inc.**

[Docket No. EC04-145-000]

Take notice that on August 3, 2004, Virginia Electric and Power Company (Dominion Virginia Power) and its affiliate Dominion Energy Marketing, Inc. (DEMI) submitted an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Dominion Virginia Power will transfer to DEMI a power purchase agreement between Dominion Virginia Power and Associated Electric Cooperative, Inc. Dominion Virginia Power states that the transfer will be made pursuant to a Assignment and Assumption Agreement.

*Comment Date:* 5 p.m. eastern time on August 24, 2004.

#### **3. Pinelawn Power LLC**

[Docket No. EG04-88-000]

Take notice that on August 2, 2004, Pinelawn Power LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Pinelawn Power LLC, which is headquartered at One Riverchase Parkway, Birmingham Alabama 35244, will own and/or operate a 79.9 MW natural-gas fired combined-cycle generating facility located in the Town of Babylon, New York. Pinelawn Power LLC states it will be engaged directly and exclusively in the business of owning or operating all or part of one or more eligible facilities (as defined in section 32(a)(1) of the Public Utility Holding Company Act of 1935) and selling electricity at wholesale.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

#### **4. El Paso Electric Company**

[Docket No. EL02-113-006]

Take notice that on August 2, 2004, El Paso Electric Company (EPE) submitted a compliance filing pursuant to the Commission's Letter Order issued October 23, 2003 in Docket No. EL02-113-002, 105 FERC ¶ 61,107.

*Comment Date:* 5 p.m. eastern time on August 23, 2004.

#### **5. Southern California Edison Company**

[Docket Nos. ER04-383-001; ER04-384-002; ER04-385-001; and ER04-386-001]

Take notice that on July 30, 2004, Southern California Edison (SCE) submitted a compliance filing pursuant to the Commission's Order issued July 9, 2004, in Docket No. ER04-383-001, et al., 108 FERC ¶ 61,034.

SCE states that copies of the filing were served on parties listed on the official service list in this proceeding.

*Comment Date:* 5 p.m. eastern time on August 20, 2004.

#### **6. New England Power Pool**

[Docket Nos. ER04-697-001 and ER04-875-001]

Take notice that on July 30, 2004, the New England Power Pool (NEPOOL) Participants Committee submitted a compliance filing pursuant to the Commission's order issued May 27, 2004, in Docket No. ER04-697-000 and the letter order issued June 29, 2004, in Docket No. ER04-875-000.

The NEPOOL Participants Committee states that copies of these materials were