

at wholesale into the United States or for the transmission of electric energy in interstate commerce in the United States.

#### Procedural Matters

9. Notice of Petitioners' July 7, 2005, filing was published in the **Federal Register**, 70 FR 41,698 (2005), with interventions and protests due on or before July 28, 2005. None was filed. Notice of Petitioners' March 7, 2006, filing was published in the **Federal Register**, 71 FR 14,195 (2006), with interventions and protests due on or before March 28, 2006. None was filed.

#### Discussion

10. As discussed below, the Commission accepts Petitioners' notice of change in status and provides guidance concerning foreign sellers with market-based rate authorization.

11. The Commission requires that market-based rate sellers report any changes in status that would reflect a departure from the characteristics the Commission relied upon in its existing grant of market-based rate authority.<sup>8</sup> The baseline determination of whether a change in status filing is required is whether the change in status in question would have been reportable in an initial application for market-based rate authority under the Commission's four-part analysis.<sup>9</sup>

12. Petitioners in this case have market-based rate tariffs on file with the Commission. The change in status, described by Petitioners as "non-material," involves the acquisition of a Canadian utility characterized as distant and small that has no generation, and whose transmission and distribution is limited to Canada. Petitioners state that this change in status does not reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority. Petitioners state their belief that notice of the change in status is not required, but that they filed the instant request for clarification "out of an abundance of caution", arguing that Order No. 652 does not expressly preclude change in status filings arising from "the acquisition of electric generation and transmission facilities located wholly outside of the United States."

13. The Commission has clarified that its concerns are more limited for foreign transmission-owning entities than for transmission-owning entities in the United States. The Commission has further stated that its concern is transmission to serve United States

load<sup>10</sup> as well as access for United States competitors into Canadian markets on a reciprocal basis.<sup>11</sup> Thus, the Commission seeks to assure reciprocal service into and out of Canada when Canadian entities seek access to United States markets, but the Commission is not seeking to open intra-Canada electric markets through the imposition of open access tariffs for transactions wholly within Canada.<sup>12</sup> Therefore, the Commission requires a Canadian entity seeking market-based rate authority to demonstrate that its transmission-owning affiliate offers non-discriminatory access to its transmission system that can be used by competitors of the Canadian seller to reach United States markets.<sup>13</sup>

14. Fortis Parent has acquired Princeton, whose transmission and distribution facilities are located exclusively within Canada and are not directly interconnected with the United States. Princeton is interconnected to its affiliate, FortisBC, whose facilities are entirely in Canada, and the transactions between Princeton and FortisBC are wholly within Canada. FortisBC is not directly interconnected to the United States but is interconnected with BCTC, a non-affiliate that offers non-discriminatory access under its OATT to reach United States markets.

15. The Commission clarifies herein that, with regard to market-based rate authorization, the Commission does not consider transmission and generation facilities that are located exclusively outside of the United States and that are not directly interconnected to the United States. However, the Commission would consider transmission facilities that are exclusively outside the United States but nevertheless interconnected to an affiliate's transmission system that is directly interconnected to the United States.

#### *The Commission orders:*

(A) Petitioners' notice of change in status and tariff sheets are accepted for filing.

(B) The Secretary is directed to publish a copy of this order in the **Federal Register**.

By the Commission.

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

[FR Doc. E6-6557 Filed 5-1-06; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP04-400-001]

#### Golden Pass Pipeline LP; Notice of Application

April 26, 2006.

Take notice that on March 31, 2006, Golden Pass Pipeline LP (GPPL) filed in Docket No. CP04-400-001 an application seeking to amend the certificate of public convenience and necessity issued July 6, 2005, in Docket No. CP04-400-000. That certificate issued pursuant to section 7(c) of the NGA and part 157, subpart A of the Commission's Regulations, authorized construction and operation of facilities to transport natural gas originating from liquefied natural gas (LNG) receiving terminal to be located approximately 10 miles south of Port Arthur, Texas, and two miles northeast of the town of Sabine Pass, Texas.

GPPL requests authorization to make certain variations in the design and routing of the proposed pipeline that would reduce its overall construction footprint. The new design component would replace the looped segment of 43 miles of two 36-inch diameter pipelines with a single 42-inch diameter pipeline from Golden Pass LNG Terminal to the AEP Texoma interconnection. The reroute component would relocate the route resulting in an approximately ten mile reduction in length of the pipeline.

This application is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866)208-3676, or for TTY, contact (202) 502-8659. Any initial questions regarding these applications should be directed to Mrs. Gina M. Dickerson, 17001 Northchase Drive, Houston, Texas, 77060, at phone number (281) 654-4816.

There are two ways to become involved in the Commission's review of

<sup>10</sup> *Energy Alliance Partnership*, 73 FERC ¶ 61,019 at 61,031 (1995) (*Energy Alliance*).

<sup>11</sup> *TransAlta Enterprises Corp.*, 75 FERC ¶ 61,268 at 61,875 (1996) (*TransAlta*).

<sup>12</sup> See *British Columbia Power Exchange Corp.*, 78 FERC ¶ 61,024 at 61,100 (1997).

<sup>13</sup> See *TransAlta*, 75 FERC ¶ 61,268 at 61,875; *Energy Alliance*, 73 FERC ¶ 61,019 at 61,030-31.

<sup>8</sup> See Order No. 652 at P 5.

<sup>9</sup> See *Id.* at P 8, 51.

this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene 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 NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* 5 p.m. eastern time on May 17, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6-6581 Filed 5-1-06; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP06-127-000]

#### Gulf South Pipeline Company, LP; Notice of Request Under Blanket Authorization

April 25, 2006.

Take notice that on April 14, 2006, Gulf South Pipeline Company, LP (Gulf South), 20 East Greenway, Houston, Texas 77046, filed in Docket No. CP06-127-000, a request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act, 18 CFR 157.205 and 157.208 (2005), and its blanket certificate issued in Docket No. CP82-430-000 for authorization to construct, own and operate 20.5 miles of 42-inch pipeline loop beginning at its existing Carthage Junction Compressor Station, located near the town of Carthage in Panola County, Texas, to a tie-in with existing transmission lines (Indexes 266 and 266 Loop) located near the town of Keatchie in DeSoto Parish, Louisiana. The 42-inch pipeline will be installed adjacent to Gulf South's existing 24-inch pipeline (Index 266) for the entire length. In addition, Gulf South proposes to construct a new meter station and interconnecting facilities with Houston Pipeline Company and other auxiliary facilities within the existing Carthage Junction Compressor Station yard. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Gulf South states in its filing, that over the last several years the amount of natural gas production in East Texas has increased dramatically, and that this new production has strained the capabilities of the existing pipeline

infrastructure capable of transporting natural gas out of Texas. Gulf South indicates that their existing firm transportation capacity from East Texas is currently sold out through 2009 because the current price of natural gas in East Texas is low, as compared to the price of natural gas in other supply areas connected to Gulf South. Accordingly, Gulf South states that its customers have requested additional capacity for firm transportation from this area.

Any person or the Commission's Staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Any questions regarding this application should be directed to J. Kyle Stephens, Director of Certificates, Gulf South Pipeline Company, LP, 20 East Greenway Plaza, Houston, Texas, 77046, or call (713) 544-7309 or fax (713) 544-3540 or by e-mail [kyle.stephens@gulfsouthpl.com](mailto:kyle.stephens@gulfsouthpl.com).

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6-6560 Filed 5-1-06; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-307-000]

#### MarkWest New Mexico L.P.; Notice of Tariff Filing

April 25, 2006.

Take notice that on April 14, 2006, MarkWest New Mexico L.P. tendered for filing as part of its FERC Gas Tariff, First