

itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If PowerGrid does not wish to continue having market-based rate authority, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

#### *The Commission Orders*

(A) Within 15 days of the date of issuance of this order, PowerGrid shall file with the Commission all delinquent Electric Quarterly Reports. If PowerGrid fails to make this filing, the Commission will revoke its authority to sell power at market-based rates and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utility whose tariff has been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

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

By the Commission.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-15205 Filed 6-25-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR09-10-000]

#### Jayhawk Pipeline, L.L.C.; Notice of Request for Temporary Waiver of Tariff Filing and Reporting Requirements

June 19, 2009.

Take notice that on June 5, 2009, JayHawk Pipeline, L.L.C. (Jayhawk) pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.204 (2007), 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.

Jayhawk stated that their pipeline facilities will be used exclusively for the transportation of crude oil to refineries owned by direct or indirect wholly-owned subsidiaries of National Cooperative Refinery Association to sole shareholder of Jayhawk.

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 on Friday, June 26, 2009

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-15143 Filed 6-25-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-435-000]

#### Transwestern Pipeline Company, LLC; Notice of Request Under Blanket Authorization

June 22, 2009.

Take notice that on June 17, 2009, Transwestern Pipeline Company, LLC (Transwestern), 711 Louisiana Street,

Houston, Texas 77002-2716, filed in Docket No. CP09-435-000, a prior notice request pursuant to sections 157.205 and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to place into service and operate the existing three 4,000 horsepower (HP) reciprocating gas engines, compressors, and ancillary facilities, located in Apache County, Arizona, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also 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, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, Transwestern proposes to return to service the existing three 4,000 HP reciprocating gas engines, compressors, and ancillary facilities at Transwestern's Compressor Station 4 that were abandoned under Docket No. CP08-51-000, to insure that Transwestern can maintain the capacity of up to 1,225,000 Dth/d. Transwestern states that during May 2009, Transwestern experienced operating issues with the electric units constructed under Docket No. CP08-51-000, including overheating due to poor ventilation in the compressor building and repairs to one of the electric units. Transwestern states that this proposal will not require any new construction, will have no impact to the quality of the environment, will not be detrimental to services provided, and will not disadvantage Transwestern's customers.

Any questions regarding the application should be directed to Kelly Allen, Manager of Certificates and Reporting, Transwestern Pipeline Company, LLC, 711 Louisiana Street, 9th Floor South Tower, Houston, Texas 77002-2716, or call (281) 714-2056, or by e-mail

[Kelly.Allen@energytransfer.com](mailto:Kelly.Allen@energytransfer.com).

Any person may, within 60 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file 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.

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.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-15208 Filed 6-26-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Pick-Sloan Missouri Basin Program—Eastern Division—Rate Order No. WAPA-148

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Proposed Transmission Service Penalty Rate for Unreserved Use

**SUMMARY:** The Western Area Power Administration (Western) proposes to add a penalty rate for Unreserved Use of Transmission Service for the Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP—ED) in a new rate schedule, Rate Schedule UGP-TSP1. The new rate schedule for Unreserved Use of Transmission System Penalties, Rate Schedule UGP-TSP1, is proposed to go into effect on the later of January 1, 2010, or when Western's Open Access Transmission Tariff (OATT) is revised to provide for Unreserved Use Penalties. Prior to implementing the penalty rate, Western will post notice on its Open Access Same-Time Information System (OASIS) Web site. If Rate Schedule UGP-TSP1 is implemented, it will remain in effect through December 31, 2014, or until superseded. Western will prepare a brochure that provides detailed information on the proposed rate to all interested parties. Publication of this **Federal Register** notice begins the formal process for the proposed penalty rate.

**DATES:** The consultation and comment period begins today and will end September 24, 2009. Western will present a detailed explanation of the proposed rate at a public information forum. The public information forum date is July 28, 2009, 8 a.m. to 8:45 a.m. CDT, Sioux Falls, South Dakota.

Western will accept oral and written comments at a public comment forum. The public comment forum date is July 28, 2009, and will be held in conjunction with the public comment forum for the adjustment of Western's transmission and ancillary services rates (as announced in 74 FR 26682 on June 3, 2009) from 9 a.m. to 12 p.m. CDT, Sioux Falls, South Dakota. Western will accept written comments any time during the consultation and comment period.

**ADDRESSES:** Written comments and/or requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the rates submitted by Western to the FERC for approval should be sent to Robert J. Harris, Regional Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101-1266, e-mail [UGPISRate@wapa.gov](mailto:UGPISRate@wapa.gov). Western will post information about the rate process on its Web site at <http://www.wapa.gov/ugp/rates/default.htm>. Western will also post official comments received via letter and e-mail to its Web site after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process. The public information forum location is the Holiday Inn, 100 West 8th Street, Sioux Falls, SD. The public comment forum location is the Holiday Inn, 100 West 8th Street, Sioux Falls, SD.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Cady-Hoffman, Rates Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101-1266, telephone (406) 247-7439, e-mail [cady@wapa.gov](mailto:cady@wapa.gov).

**SUPPLEMENTARY INFORMATION:** The transmission facilities in the P-SMBP—ED are integrated with transmission facilities of Basin Electric Power Cooperative (Basin) and Heartland Consumers Power District (Heartland) such that transmission services are provided over an integrated transmission system, called the Integrated System (IS), and the rates are sometimes referred to as IS Rates. Western acts as the administrator of the IS and monitors service under the OATT.<sup>1</sup> As owners of the IS, Western, Basin, and Heartland may be referred to as IS Partners.

<sup>1</sup> Western's OATT was most recently approved by FERC on June 28, 2007, in Docket No. NJ07-2-000, 119 FERC ¶61,329 (2007) and the FERC's letter order issued on September 6, 2007, in Docket No. NJ07-2-001.

#### Proposed Penalty Rate for Unreserved Use of Transmission Service

Unreserved Use of Transmission Service is provided when a Transmission Customer uses transmission service that it has not reserved or uses transmission service in excess of its reserved capacity. A Transmission Customer that has not secured reserved capacity or exceeds its firm or non-firm reserved capacity at any point of receipt or any point of delivery will be assessed Unreserved Use Penalties.

The penalty charge for a Transmission Customer that engages in Unreserved Use is 200 percent of Western's approved transmission service rate for point-to-point transmission service assessed as follows:

(i) The Unreserved Use Penalty for a single hour of unreserved use will be based upon the rate for daily firm point-to-point service.

(ii) The Unreserved Use Penalty for more than one assessment for a given duration (e.g., daily) will increase to the next longest duration (e.g., weekly).

(iii) The Unreserved Use Penalty charge for multiple instances of unreserved use (for example, more than 1 hour) within a day will be based on the rate for daily firm point-to-point service. The penalty charge for multiple instances of unreserved use isolated to 1 calendar week would result in a penalty based on the charge for weekly firm point-to-point service. The penalty charge for multiple instances of unreserved use during more than 1 week during a calendar month is based on the charge for monthly firm point-to-point service.

A Transmission Customer that exceeds its firm reserved capacity at any Point of Receipt or Point of Delivery or an Eligible Customer that uses Transmission Service at a Point of Receipt or Point of Delivery that it has not reserved is required to pay for all Ancillary Services identified in Western's OATT that were provided by Western and associated with the unreserved service on the IS system. The Transmission Customer or Eligible Customer will pay for Ancillary Services based on the amount of transmission service it used, but did not reserve.

Unreserved Use Penalties collected over and above the base point-to-point transmission service charge will be credited against the IS Annual Transmission Revenue Requirement (ATRR). For example, if a Transmission Customer has unreserved use that results in a penalty equal to twice the rate for firm weekly point-to-point