

**DEPARTMENT OF ENERGY**

[Project No. 5-067]

**Federal Energy Regulatory Commission****PPL Montana, LLC; Confederated Salish and Kootenai Tribes of the Flathead Nation; Notice Denying Intervention and Rejecting Request for Rehearing**

December 18, 2001.

By order issued October 18, 2001, the Director, Division of Hydropower Compliance and Administration, granted an extension of time to develop and implement plans under Articles 60 and 64 for the Kerr Hydroelectric Project No. 5, located on lands within the Flathead Indian Reservation and on other federal lands. 97 FERC ¶ 62,050.

On November 19, 2001, The National Organization to Save Flathead Lake (National Organization) filed a motion to intervene and a request for rehearing of the Director's order to the extent that it granted an extension of time for the filing of a drought management plan under Article 60. On November 19, 2001, Bayside Park and Marine Center, L.L.C. (Bayside) filed a motion to intervene, and Bayside and Pointer Scenic Cruises (Pointer) filed a request for rehearing of the Director's order to the extent that it granted an extension of time for the filing of a drought management plan under Article 60.<sup>1</sup>

In proceedings on compliance matters arising after issuance of a license, the Commission will entertain interventions and requests for rehearing only when the filing or order entails a material change in the plan of project development or in the terms of a license, or would adversely affect the rights of a property holder in a manner not contemplated by the license. The Commission will also entertain interventions and requests for rehearing in proceedings commenced pursuant to a license article if the entity seeking intervention is specifically given a consultation role in the license article in question.<sup>2</sup> However, the timing of a compliance filing is an administrative matter between the licensee and the Commission and does not give rise to an

opportunity to request intervention and seek rehearing.<sup>3</sup>

Because the Director's order addressed the timing of a compliance filing, the requests for intervention filed by National Organization and Bayside are dismissed, and the requests for rehearing filed by National Organization, Bayside, and Pointer are rejected.<sup>4</sup>

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

**Linwood A. Watson, Jr.,***Acting Secretary.*

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**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 11953-000]

**Symbiotics, LLC.; Notice Granting Late Intervention**

December 18, 2001.

On November 26, 2001, the Commission issued a notice of the preliminary permit application filed by the Symbiotics, LLC. for the Wickiup Dam Project No. 11953, located on the Deschutes River, in Deschutes County, Florida. The notice established August 13, 2001, as the deadline for filing motions to intervene in the proceeding.

On November 26, 2001, a motion to intervene was filed late by American Rivers and WaterWatch of Oregon. Granting the late motion to intervene will not unduly delay or disrupt the proceeding or prejudice other parties to it. Therefore, pursuant to Rule 214,<sup>1</sup> the late motion to intervene filed in this proceeding by American Rivers and WaterWatch of Oregon is granted, subject to the Commission's rules and regulations.

**Linwood A. Watson, Jr.,***Acting Secretary.*

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**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. EL02-41-000, et al.]

**Pittsfield Generating Company, L.P., et al.; Electric Rate and Corporate Regulation Filings**

December 18, 2001.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

**1. Pittsfield Generating Company, L.P.**

[Docket Nos. EL02-41-000 and QF88-21-009]

Take notice that on November 27, 2001, Pittsfield Generating Company, L.P. filed in the above-referenced docket a request for waiver of the efficiency standard.

A copy of the filing was served on all parties listed in this docket, all parties listed in Docket No. ER98-4400-000, the Massachusetts Department of Telecommunications and Energy, Commonwealth Electric Company, Cambridge Electric Light Company, and New England Power Company.

*Comment Date:* January 8, 2002.**2. Shady Hills Power Company, L.L.C.**

[Docket No. EG02-45-000]

Take notice that on December 13, 2001, Shady Hills Power Company, L.L.C. (Shady Hills Power) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Shady Hills Power owns a 480 MW generating facility that is under construction in New Port Richey, Florida (the Facility). When completed, the Facility will be interconnected to the transmission system of Florida Power Corporation. The Facility is scheduled to begin commercial operation in March 2002.

*Comment Date:* January 8, 2002. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**3. LSP-Pike Energy, LLC**

[Docket No. EG02-46-000]

On December 13, 2001, LSP-Pike Energy, LLC (Pike) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to section 32

<sup>1</sup> Although Bayside's motion to intervene states that the filing is on behalf of Bayside and Pointer, the motion seeks intervention only for Bayside and implies that Pointer may already be an intervenor due to earlier participation in matters dealing with the Kerr Project. However, any such previous intervention would not extend to the present post-licensing matter.

<sup>2</sup> See Pacific Gas & Electric Co., 40 FERC ¶ 61,035 (1987).

<sup>3</sup> Bangor Hydro-Electric Co., 87 FERC ¶ 61,035 (1999).

<sup>4</sup> Only entities that have filed motions to intervene become parties, and only parties may file a request for rehearing. See 18 C.F.R. 385.713(b) (2001). Therefore, Pointer's request for rehearing is rejected for the additional reason that Pointer did not seek intervention.

<sup>1</sup> 18 CFR 385.214 (2001).