

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP03-302-000, CP03-303-000, CP03-304-000, PF03-1-000 and CP03-301-000]

#### Cheyenne Plains Gas Pipeline Company, LLC and Colorado Interstate Gas Company; Notice of Availability of the Final Environmental Impact Statement for the Proposed Cheyenne Plains Pipeline Project

February 20, 2004.

The staff of the Federal Energy Regulatory Commission (FERC or

Commission) has prepared the final environmental impact statement (EIS) on the natural gas pipeline facilities proposed by Cheyenne Plains Gas Pipeline Company, LLC (CPG) and Colorado Interstate Gas Company (CIG) in the above-referenced dockets. The proposed project, referred to as the Cheyenne Plains Pipeline Project, is located in various counties in Colorado and Kansas.

The final EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The staff concludes that, if the project is constructed as modified and with the appropriate mitigation measures as recommended, it would have limited adverse environmental impact. The information in the final EIS, along with the information contained in the Commission's Preliminary Determination on Non-Environmental Issues for the project, will be considered by the Commission when making a final decision on the project.

The U.S. Department of Agriculture, Forest Service (FS) is participating as a cooperating agency in the preparation of the final EIS because the FS will be issuing its own Record of Decision (ROD) on whether or not to issue Special Use Authorizations for the portion of the pipeline that crosses the Pawnee National Grassland (PNG). After issuance of the FS' ROD, there is a 45-day period to appeal the FS' decision under Title 36 Code of Federal Regulations (CFR) Part 215, Notice, Comment and Appeal Procedures for National Forest System Projects and Activities. In accordance with Title 36 CFR 215.13, only individuals and organizations who submitted substantive written or oral comments during the comment period on the draft EIS for the proposed Cheyenne Plains Pipeline Project (and specifically addressed the portion on the PNG) may appeal the Regional Forester's decision as documented in the ROD.

The U.S. Fish and Wildlife Service (FWS) is also a cooperating agency in the preparation of the final EIS because the project has the potential to affect endangered species, migratory birds, wildlife, and habitat.

The final EIS addresses the potential environmental effects of the construction and operation of the following facilities:

- A total of 379.8 miles of 36-inch-diameter mainline, with 189.0 miles in Colorado (Weld, Morgan, Washington, Yuma, and Kit Carson Counties) and 190.8 miles in Kansas (Sherman, Wallace, Logan, Scott, Lane, Finney, Hodgeman, Ford, and Kiowa Counties);

- 0.2 mile of 20-inch-diameter lateral<sup>1</sup> (Sand Dune Lateral) in Kiowa County, Kansas;

- 4.2 miles of 30-inch-diameter lateral (South Rattlesnake Creek Lateral) in Kiowa County, Kansas;

- 3.0 miles of 8-inch-diameter lateral (Cossell Lake Lateral) in Kiowa County, Kansas;

- One 2,443-horsepower (hp) jumper compressor installed within CIG's existing compressor station located at its Cheyenne Hub in Weld County, Colorado;

- Two 10,310-hp turbine compressors installed in a new CPG compressor station at the Cheyenne Hub;

- Nine new interconnects<sup>2</sup> with existing pipeline systems. These interconnects would include metering facilities and would consist of two receipt points, one each with CIG and Wyoming Interstate Company at the Cheyenne Hub in Weld County, Colorado, and seven delivery points, one with Kinder Morgan Interstate Pipeline Company in Scott County, Kansas, one with Natural Gas Pipeline Company of America in Ford County, Kansas, and one each with Southern Star Central Gas Pipeline, LLC, ANR Pipeline Company, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, and Kansas Gas Service Company in Kiowa County, Kansas;

- Two new gas treatment plants, each consisting of an amine and glycol processing train, one at the Cheyenne Hub and the other at the Southern Star interconnect;

- 32 mainline valves (MLVs), consisting of 1 at the Cheyenne Hub, 4 at interconnects in Kiowa County, Kansas, and 27 located independently along the mainline and laterals; and

- Two pig<sup>3</sup> launchers, two pig receivers, and five pig launchers and receivers, each collocated with new MLV sites.

The final EIS has been placed in the public files of the FERC and is available for public inspection in the Public Reference Room 2A or call (202) 502-8371.

A limited number of copies of the final EIS are available from the Public Reference Room. In addition, copies of the final EIS have been mailed to Federal, state, and local agencies;

<sup>1</sup> A lateral is typically a smaller diameter pipeline that takes gas from the main system to deliver it to a customer, local distribution system, or another interstate transmission system.

<sup>2</sup> An interconnect is a connection to another pipeline system that is used to deliver or receive gas. Metering and regulating facilities would typically be included at each interconnect.

<sup>3</sup> A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

electd officials; Native American tribes; newspapers; public libraries; television and radio stations; intervenors to the FERC's proceeding; and individuals who provided scoping comments, commented on the draft EIS, or requested the final EIS.

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208 FERC (3372) or on the FERC Internet website (<http://www.ferc.gov>). Using the "eLibrary", select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number", and follow the instructions. You may also search using the phrase "Cheyenne Plains" in the "Text Search" field. For assistance with access to eLibrary, the helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

In addition, the Commission now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Information concerning the involvement of the FS is available from John Oppenlander at (970) 346-5005. Information concerning the involvement of the FWS is available from Dan Mulhern at (785) 539-3474 (ext. 109).

**Magalie R. Salas,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96-45; FCC 03-338]

### Federal-State Joint Board on Universal Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission grants in part and denies in part, subject to enumerated conditions, the petition of Virginia Cellular, LLC to be designated as an eligible telecommunications carrier throughout its licensed service area in the Commonwealth of Virginia, pursuant to the Communications Act of 1934, as amended. The Commission concludes

that Virginia Cellular, LLC has demonstrated that it will offer and advertise the services supported by the federal universal service support mechanisms throughout the designated service area. The Commission also finds that the designation of Virginia Cellular as an ETC in two non-rural study areas serves the public interest.

**FOR FURTHER INFORMATION CONTACT:** Thomas Buckley, Attorney, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order in CC Docket No. 96-45; FCC 03-338 released on January 22, 2004. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

### I. Introduction

1. In this Order, we grant in part and deny in part, subject to enumerated conditions, the petition of Virginia Cellular, LLC (Virginia Cellular) to be designated as an eligible telecommunications carrier (ETC) throughout its licensed service area in the Commonwealth of Virginia pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act). In so doing, we conclude that Virginia Cellular, a commercial mobile radio service (CMRS) carrier, has satisfied the statutory eligibility requirements of section 214(e)(1). Specifically, we conclude that Virginia Cellular has demonstrated that it will offer and advertise the services supported by the federal universal service support mechanisms throughout the designated service area. We find that the designation of Virginia Cellular as an ETC in two non-rural study areas serves the public interest. We also find that the designation of Virginia Cellular as an ETC in areas served by five of the six rural telephone companies serves the public interest and furthers the goals of universal service. As explained, with regard to the study area of NTELOS Telephone Inc. (NTELOS), we do not find that ETC designation would be in the public interest.

2. Because Virginia Cellular is licensed to serve only part of the study area of three of six incumbent rural telephone companies affected by this designation, Virginia Cellular has requested that the Commission redefine the service area of each of these rural telephone companies for ETC

designation purposes, in accordance with section 214(e)(5) of the Act. We agree to the service area redefinition proposed by Virginia Cellular for the service areas of Shenandoah Telephone Company (Shenandoah) and MGW Telephone Company (MGW), subject to the agreement of the Virginia State Corporation Commission (Virginia Commission) in accordance with applicable Virginia Commission requirements. We find that the Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to examine the redefinition proposal and determine whether it should be approved. Because we do not designate Virginia Cellular as an ETC in NTELOS' study area, we do not redefine this service area.

3. In response to a request from the Commission, the Federal-State Joint Board on Universal Service (Joint Board) is currently reviewing: (1) The Commission's rules relating to the calculation of high-cost universal service support in areas where a competitive ETC is providing service; (2) the Commission's rules regarding support for non-primary lines; and (3) the process for designating ETCs. Some commenters in that proceeding have raised concerns about the rapid growth of high-cost universal service support and the impact of such growth on consumers in rural areas. The outcome of that proceeding could potentially impact, among other things, the support that Virginia Cellular and other competitive ETCs may receive in the future and the criteria used for continued eligibility to receive universal service support.

4. While we await a recommended decision from the Joint Board, we acknowledge the need for a more stringent public interest analysis for ETC designations in rural telephone company service areas. The framework enunciated in this Order shall apply to all ETC designations for rural areas pending further action by the Commission. We conclude that the value of increased competition, by itself, is not sufficient to satisfy the public interest test in rural areas. Instead, in determining whether designation of a competitive ETC in a rural telephone company's service area is in the public interest, we weigh numerous factors, including the benefits of increased competitive choice, the impact of multiple designations on the universal service fund, the unique advantages and disadvantages of the competitor's service offering, any commitments made regarding quality of telephone service provided by competing providers, and the competitive ETC's ability to provide