

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP02-498-000]

Questar Pipeline Company; Notice of
Take-or-Pay Buyout and Tariff Filing

August 23, 2002.

Take notice that on August 15, 2002, Questar Pipeline Company (Questar) proposes that it be permitted to flow through \$12,055 in take-or-pay costs to its former sale-for-resale customer Questar Gas Company (formerly Mountain Fuel Supply Company) under the provisions of 25 (Pipeline Supplier Take-or-Pay Buyout/Buydown Billing Recovery) that was terminated December 30, 1999, by Order issued December 22, 1999, in Docket No. RP00-87-000.

Alternatively, should the Commission determine that a specific tariff provision is required, Questar submits for filing and acceptance, pursuant to 18 CFR 154.7, the following tariff sheets to First Revised Volume No. 1 of its FERC Gas Tariff to be effective September 15, 2002:

First Revised Volume No. 1
Ninth Revised Sheet No. 1
Fifth Revised Sheet No. 5A.1
Fourteenth Revised Sheet No. 40
Fourth Revised Sheet No. 97

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before August 30, 2002. 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 proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502-8222 or for TTY, (202) 208-1659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's web site under the "e-Filing" link.

Linwood A. Watson, Jr.,

Deputy Secretary.

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[Docket Nos. PL02-8-000, ER96-2495-016, ER97-4143-004, ER97-1238-011, ER98-2075-010, ER98-542-006 (Not consolidated), ER91-569-018 and ER97-4166-010]

**Conference on Supply Margin
Assessment, AEP Power Marketing,
Inc., AEP Service Corporation, CSW
Power Marketing, Inc., CSW Energy
Services, Inc., and Central and South
West Services, Inc., Entergy Services,
Inc., Southern Company Energy
Marketing L.P., Notice of Request for
Written Comments on Supply Margin
Assessment Screen**

August 23, 2002.

On November 20, 2001,¹ the Commission announced a new market power screen for generation, the Supply Margin Assessment (SMA), to be applied to market-based rate applications on an interim basis pending a generic review of new methods for analyzing market power and established mitigation measures applicable to entities that fail the SMA screen. In addition, in a Notice Delaying Effective Date of Mitigation and Announcing Technical Conference, issued on December 20, 2001 (December 20 Notice), the Commission deferred the date by which the companies in the above-captioned proceedings or any other public utilities must implement the mitigation for spot market energy sales set forth in the November 20 Order, and announced its intention to hold a technical conference open to all interested persons, not only parties in the above-captioned dockets.

Following issuance of the November 20 Order, the parties to the above-captioned proceedings as well as a number of other entities filed comments and/or requests for rehearing. Some commenters generally supported the SMA as an interim screen. Several filed in opposition to the SMA screen as a measure of market power. Some commenters argue that the Commission committed procedural error by replacing

the hub-and-spoke analysis with the interim SMA through case-by-case adjudication, rather than through formal notice-and-comment rulemaking. On the merits, commenters protest, among other things, that the SMA is ill-suited for load-serving entities with capacity committed to serve native load, and that the test should look at uncommitted capacity and should serve only as a screen rather than a definitive analysis for granting market-based rate authority. Commenters also raise substantive and procedural arguments against the mitigation measures established in the November 20 Order, arguing that the mitigation measures are vague, unworkable and poorly tailored. Commenters also address the exemption from the SMA for sales into an RTO/ISO with Commission-approved market monitoring and mitigation. Some commenters oppose the exemption while others suggest the exemption should be expanded to include non-California portions of the WSCC and any market in which participants agree to be bound by an appropriate Commission-approved market monitoring and mitigation plan.

Consistent with our announcement that we would hold a technical conference open to all interested persons, not only parties in the above-captioned dockets, we are hereby establishing a proceeding, Docket No. PL02-8-000, Conference on Supply Margin Assessment Screen, to provide an opportunity for all interested persons to submit comments. In preparation for the technical conference (the date and time of which will be announced in a subsequent notice), the Commission invites all interested persons to submit written comments regarding the SMA screen and related mitigation measures. All comments should include an executive summary; the summary shall not exceed five pages. To conserve time and avoid unnecessary expense, persons with common interests or views are encouraged to submit joint comments. All written comments should be submitted within 60 days from the date of this order and will be placed in the Commission's public files. Comments will be available for inspection at the Commission's Public Reference Room, 888 First Street, NE., Washington DC, 20426, during regular business hours.

Such written comments should be submitted in Docket No. PL02-8-000. A technical conference to discuss the SMA and related mitigation measures will be scheduled on a date to be determined. All future actions with respect to the technical conference will also be taken under Docket No. PL02-8-000.

¹ AEP Power Marketing, Inc., *et al.*, 97 FERC ¶ 61,219 at 61,969 (2001), reh'g pending (November 20 Order).