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**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5-4030 Filed 7-28-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR05-8-000]

#### **BP Exploration (Alaska) Inc. and BP Oil Supply Company, Complainants, v. ConocoPhillips Transportation Alaska, Inc.; Respondent; Notice of Complaint; Request for Fast TRACK Processing**

July 20, 2005.

Take notice that on June 30, 2005, BP Exploration (Alaska) Inc. and BP Oil Supply Company (collectively, BP) filed a Complaint against ConocoPhillips Transportation Alaska Inc. (ConocoPhillips) pursuant to section 13(1) of the Interstate Commerce Act, 49 U.S.C. 13(1), 18 CFR 343.2(c), Rule 206 of the Commission's Rules of Practice and Procedures, 18 CFR 395.206(2004). BP requests that the Commission stay the effective date of ConocoPhillips' revised proration policy. If the policy is already effective, BP requests that the Commission stay further effectiveness of such proration policy pending a determination as to the lawfulness of such proration policy, and order ConocoPhillips to make reparation to BP for any financial damage BP may suffer as a result of ConocoPhillips' revised proration policy. BP requested fast track processing of the Complaint. Subsequently the parties began settlement discussions, and requested that the time for answers and comments be extended to August 1, 2005.

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 comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

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.

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*Comment Date:* 5 p.m. Eastern Time on August 1, 2005.

**Magalie R. Salas,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1962-113]

#### **Pacific Gas and Electric Company; Notice Dismissing Complaint**

July 22, 2005.

1. On May 31, 2005, the Anglers Committee (Anglers) filed a complaint against Pacific Gas and Electric Company (PG&E), licensee for the Rock Creek-Cresta Project No. 1962, located on the North Fork Feather River in Butte and Plumas Counties, California.<sup>1</sup> On June 21, 2005, PG&E filed an answer to the complaint. On July 13, 2005,

<sup>1</sup> The Commission issued PG&E a new license for the Rock Creek-Cresta Project and approved a settlement agreement resolving various project-related issues on October 24, 2001. 97 FERC ¶ 61,084 (2001).

Anglers filed a rebuttal to PG&E's answer.

2. The Anglers contend that the Ecological Resource Committee (Committee), created by the licensee,<sup>2</sup> will not allow the public to participate in the meetings (other than to attend and listen) and to have access to Committee documents. The Anglers request that the Commission require PG&E to establish requirements and proceedings for Committee meetings to provide public participation in all matters and access to Committee documents.

3. The Commission's regulations provide that a complaint may be filed seeking Commission action against any person alleged to be "in contravention or violation of any statute, rule, order, or other law administered by the Commission or for any other alleged wrong over which the Commission may have jurisdiction."<sup>3</sup> The regulations further provide that the complaint must [c]learly identify the action or inaction which is alleged to violate applicable statutory standards or regulatory requirements."<sup>4</sup>

4. The license does not establish Committee procedures. Nor does it require public participation in Committee matters.<sup>5</sup> Since the complainants do not allege that PG&E is in violation of its license, the Federal Power Act, or the Commission's regulations, the complaint is dismissed.

**Magalie Salas,**

*Secretary.*

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<sup>2</sup> Appendix Condition No. 22 of the license required PG&E to establish the Committee in coordination with the parties to the Settlement Agreement for the purpose of assisting the licensee in the design of monitoring plans, review and evaluation of data, and preparation of adaptive management measures for implementation by the licensee as provided in the Settlement Agreement.

The Anglers previously participated in settlement discussions regarding the relicensing of the project but, as stated in their complaint, they chose not to become signatories to the Settlement Agreement because of their disagreement with certain terms and conditions in the agreement. Members of the Committee are limited to the Settlement Agreement signatories.

<sup>3</sup> See 18 CFR 385.206(a)(2005).

<sup>4</sup> *Id.*

<sup>5</sup> However, any material changes in project operations during the term of the license will require a license amendment application, public notice, and a proceeding in which interested entities will have an opportunity to participate.