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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER05-1311-000]

#### Southern California Edison Company; Notice of Filing

August 16, 2005.

Take notice that on July 8, 2005, Southern California Edison Company (SCE) submitted for filing a letter agreement between SCE and Mountainview Power Company, L.L.C.

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, 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 the parties in 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.

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 August 23, 2005.

Linda Mitry,  
Deputy Secretary.

[FR Doc. E5-4555 Filed 8-19-05; 8:45 am]  
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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

August 16, 2005.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: *ER05-1306-000*.  
Applicants: Westar Energy, Inc.  
Description: *Westar Energy, Inc submits a Notice of Cancellation of an Electric Power Supply Agreement between Westar and the City of Chapman, Kansas, designated as Rate Schedule No. 231.*

Filed Date: 08/08/2005.  
Accession Number: *20050811-0162*.  
Comment Date: 5 p.m. eastern time on Monday, August 29, 2005.

Docket Numbers: *ER05-1315-000*.  
Applicants: North Western Energy.  
Description: *NorthWestern Corporation d/b/a NorthWestern Energy submits an amendment to the Firm Point-to-Point Transmission Service Agreement No. 10-SD under NorthWestern Energy's OATT Original Volume No. 2, between the Town of Langford, South Dakota and NorthWestern Energy.*

Filed Date: 08/11/2005.  
Accession Number: *20050815-0219*.  
Comment Date: 5 p.m. eastern time on Thursday, September 01, 2005.

Docket Numbers: *ER05-1316-000*.  
Applicants: Kumeyaay Wind LLC.  
Description: *Kumeyaay Wind LLC submits an application for market-based rate authority under section 205 of the Federal Power Act, and request for expedited consideration and for waivers and pre-approvals.*

Filed Date: 08/11/2005.  
Accession Number: *20050815-0220*.  
Comment Date: 5 p.m. eastern time on Thursday, September 01, 2005.

Docket Numbers: *ER05-1319-000*.  
Applicants: Pacific Gas and Electric Company.

Description: *Pacific Gas and Electric Company submits an amendment to its Wholesale Distribution Tariff, FERC Electric Tariff, First Revised Volume No. 4.*

Filed Date: 08/12/2005.  
Accession Number: *20050815-0266*.  
Comment Date: 5 p.m. eastern time on Friday, September 02, 2005.

Docket Numbers: *ER05-1321-000*.  
Applicants: Portland General Electric Company.

Description: *Portland General Electric Company submits revisions to its Pro Forma Open Access Transmission Tariff.*

Filed Date: 08/12/2005.  
Accession Number: *20050815-0215*.  
Comment Date: 5 p.m. eastern time on Friday, September 02, 2005.

Docket Numbers: *ER05-1323-000*.  
Applicants: Northeast Utilities Service Company.

Description: *Northeast Utilities Service Company on behalf of its transmission-owning affiliates submits a Notice of Cancellation of NU Companies Service Agreement 27 under ISO New England, Inc. FERC Electric Tariff No. 3 Attachment E, Schedule 21-NU and First Revised Service Agreement No. 1 IA-NU-5.*

Filed Date: 08/11/2005.  
Accession Number: *20050815-0237*.  
Comment Date: 5 p.m. eastern time on Thursday, September 01, 2005.

Docket Numbers: *ER05-1324-000*.  
Applicants: San Diego Gas & Electric Company.

Description: *San Diego Gas & Electric Company submits revisions to its FERC Electric Tariff, Original Volume No. 5.*

Filed Date: 08/12/2005.  
Accession Number: *20050815-0267*.  
Comment Date: 5 p.m. eastern time on Friday, September 02, 2005.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

**Linda Mitry,**

*Deputy Secretary.*

[FR Doc. E5-4556 Filed 8-19-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for the disbursement of \$1,585,576.76, plus accrued interest, in crude oil overcharges obtained by the DOE concerning BPM Ltd., Case No. TEF-0001, Honeymon Drilling Co., Case No. TEF-0002, Intercontinental Oil, Case No. TEF-0003, Knox Oil, Case No. TEF-0004, Pescar Trading, Case No. TEF-0005, Shepherd Oil, Inc., Case No. TEF-0007, Sierra Petroleum Co., Case No. TEF-0008, Thriftway Co., Case No. TEF-0010, and Western Refining Co. (Robert J. Martin), Case No. TEF-0011.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Cronin, Jr., Assistant Director, Office of Hearings and Appeals, 1000 Independence Ave., SW., Washington, DC 20585-1615, (202) 287-1589, [richard.cronin@hq.doe.gov](mailto:richard.cronin@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision sets forth the procedures that the DOE has formulated to distribute to eligible claimants \$1,585,576.76, plus accrued interest, obtained by the DOE from BPM Ltd.,

Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., and Western Refining Co. (Robert J. Martin).

The OHA will distribute these funds in the currently-existing crude oil refund proceeding described in the Decision and Order. Because the deadline for filing crude oil refund applications has passed, no new applications for refund for the alleged (or established) crude oil pricing violations of the listed firms will be accepted for these funds.

Dated: August 16, 2005.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Decision and Order

#### Department of Energy

##### *Implementation of Special Refund Procedures*

*Names of Firms:* BPM Ltd., Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., Western Refining Co. (Robert J. Martin).

*Date of Filing:* June 21, 2005.

*Case Numbers:* TEF-0001, TEF-0002, TEF-0003, TEF-0004, TEF-0005, TEF-0007, TEF-0008, TEF-0010, TEF-0011.

#### I. Background

The Office of General Counsel (OGC) of the Department of Energy (DOE) filed a Petition requesting that the Office of Hearings and Appeals (OHA) formulate and implement Subpart V special refund proceedings. Under the procedural regulations of the DOE, special refund proceedings may be implemented to refund monies to persons injured by violations of the DOE petroleum price regulations, provided DOE is unable to readily identify such persons or to ascertain the amount of any refund. 10 CFR 205.280. We have considered OGC's request to formulate refund procedures for the disbursement of monies remitted by the following firms pursuant to administrative or judicial decisions or in settlement of the DOE allegations that the firms had violated the DOE petroleum price control and allocation regulations: BPM Ltd., Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., Western Refining Co. (Robert J. Martin).

In its Petition, OGC states that is has been unable to reasonably identify persons harmed as a result of these firms' alleged violations, or to reasonably ascertain the amount of the

refund to any person that might have been harmed. We therefore have determined that the refund procedures requested by OGC are appropriate.

A total of \$1,585,576.76 has been remitted to DOE by these firms to remedy violations that occurred during the relevant audit periods. These funds are being held in an escrow account established with the United States Treasury pending a determination of their proper distribution. This Decision sets forth OHA's plan to distribute those funds.

#### II. Jurisdiction and Authority

The general guidelines that govern OHA's ability to formulate and implement a plan to distribute refunds are set forth at 10 CFR part 205, subpart V. These procedures apply in situations where the DOE cannot readily identify the persons who were injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

On June 28, 2005, the OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the funds remitted. That PD&O was published in the **Federal Register**, and a 30-day period was provided for the submission of comments regarding our proposed refund plan. See 70 FR 38901 (July 6, 2005). More than 30 days have elapsed and OHA has received no comments concerning these proposed refund procedures. Consequently, the procedures will be adopted as proposed.

#### III. Refund Procedures

##### *A. Allocation of Remitted Funds*

The alleged violations by the above-named firms all concerned the sale of crude oil. Under these circumstances, all of the funds remitted will be allocated for restitution for parties injured by the firms' alleged violations of the crude oil regulations.

##### *B. Refund Procedures for Crude Oil Violations*

The funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, (MSRP), see 51 FR 27899 (August 4, 1986). Pursuant to the MSRP, OHA may reserve up to 20 percent of those funds for direct refunds to applicants who claim that they were injured by the crude oil violations. The