

Federal Power Act against companies that failed to file.<sup>5</sup>

6. Commission staff review of the Electric Quarterly Report submittals has identified a number of public utilities that previously had been granted authority to sell power at market-based rates that have failed to file Electric Quarterly Reports through the third quarter of 2005. Commission staff has contacted all non-filing utilities via e-mail to remind them of their regulatory obligations. None of the public utilities listed in the caption of this order has met those obligations.<sup>6</sup>

**Respondent/Last quarter filed**

Capital Power, Inc.—2005 Quarter 1  
Energy Investments Management, Inc.—2005 Quarter 1  
New Light Energy, LLC—2005 Quarter 1  
TME Energy Services—2005 Quarter 1  
Premier Energy Marketing, LLC—2005 Quarter 2  
Sprague Energy Corp.—2005 Quarter 2

7. Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the issuance of this order.

8. In addition, the above-captioned companies' failure to comply with their Electric Quarterly Report filing requirements provides a basis for the Commission to institute proceedings under section 206 of the FPA. These proceedings will determine appropriate refunds in the event these companies continue to make wholesale power sales at market-based rates. In cases where, as here, the Commission institutes a section 206 investigation on its own motion, section 206(b) of the FPA, as recently amended by section 1285 of the Energy Policy Act of 2005,<sup>7</sup> requires the Commission to establish a refund effective date that is no earlier than the date of publication of notice of its initiation of the investigation, but no later than five months subsequent to that date. Thus, we will set the refund effective date as the date of publication of this order in the **Federal Register**.

9. In the event that any of the above-captioned market-based rate sellers has already filed its required Electric Quarterly Reports in compliance with the Commission's requirements, its inclusion herein is inadvertent. Any

such market-based rate seller is directed, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

10. If any of the above-captioned market-based rate sellers does not wish to continue having market-based rate authority and does not foresee entering into any contracts to sell power at market-based rates, it may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff and end its obligation to submit further Electric Quarterly Reports.

*The Commission orders:*

(A) Within 15 days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all delinquent Electric Quarterly Reports. If a public utility fails to make this filing, the Commission will revoke that public utility's authority to sell power at market-based rates and terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR chapter I), the Commission hereby institutes proceedings to determine the appropriate refunds if the above-captioned companies continue to make wholesale power sales at market-based rates.

(C) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

**Magalie R. Salas,**

*Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP06-60-000]

**Enbridge Pipelines (Midla) L.L.C.;  
Notice of Application**

February 16, 2006.

Take notice that on February 6, 2006, Enbridge Pipelines (Midla) L.L.C., 1100 Louisiana, Suite 3300, Houston, Texas 77002, filed in Docket No. CP06-60-000 an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon 22.4 miles of inactive mainline pipeline ranging in diameter from 10.75 to 22 inches and related surface appurtenances in Richland and Ouachita Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link, select "Docket #" and follow the instructions (call 202-502-8222 or for TTY, 202-502-8659).

Midla proposes to abandon in place or by removal approximately the 22.4 miles of inactive mainline extending from Milepost 0.0 at its Desiard compressor station in Ouachita Parish and ending at Milepost 22.4 on the T-1 Mainline in Richland Parish. Midla states that this segment of 80-year old pipeline has been shut-in since a September 2001 rupture occurred. Midla also states that the U.S. Department of Transportation (DOT) ordered Midla to shut in the failed pipeline segment and to take certain corrective action. Midla further states that it took all DOT-required corrective action, except for hydrostatically testing the line. None of Midla's existing customers would lose natural gas service following abandonment, because Midla has and will continue to provide service via its parallel Loop line.

Any questions regarding this application should be directed to Cynthia A. Corcoran, FERC Chief Compliance Officer & Senior Counsel Specialist, Enbridge Pipelines (Midla) L.L.C., 1100 Louisiana, Suite 3300, Houston, Texas 77002 at (713) 821-2265.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888

<sup>5</sup> See *Electric Quarterly Reports*, 113 FERC ¶ 61,305 (2005).

<sup>6</sup> According to the Commission's records, the companies subject to this order last filed their Electric Quarterly Reports in the quarters and years shown below:

<sup>7</sup> Energy Policy Act of 2005, § 1285, Pub. L. No. 109-58, 119 Stat. 980 (2005).

First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's web site under the "e-Filing" link.

*Comment Date:* March 9, 2006.

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER06-550-001]

#### Pacific Gas and Electric Company; Notice of Filing

February 16, 2006.

Take notice that on February 9, 2006, Pacific Gas and Electric Company tendered for filing revisions to its Transmission Owner Tariff, Grim Management Charge Pass-Through Tariff, and Scheduling Coordinator Services Tariff for the Western Area Power Administration.

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 February 24, 2006.

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 2145-071 and 943-094]

#### Public Utility District No. 1 of Chelan County, Washington; Notice of Application for Approval of Contract for the Sale of Power for a Period Extending Beyond the Term of the License

February 16, 2006.

Take notice that on February 9, 2006, Public Utility District No. 1 of Chelan County, Washington (Chelan PUD) filed with the Commission an application for approval of a contract for the sale of power from its licensed Rocky Reach Project No. 2145 and Rock Island Project No. 943, for a period from the expiration of its existing licenses for those Projects on June 30, 2006, and December 31, 2028, respectively, through October 31, 2031. The Projects are located on the Columbia River in Washington.

Section 22 of the Federal Power Act, 16 U.S.C. 815, provides that contracts for the sale and delivery of power for periods extending beyond the termination date of a license may be entered into upon the joint approval of the Commission and the appropriate state public service commission or other similar authority in the state in which the sale or delivery of power is made. Chelan PUD asserts that approval of the submitted contract is in the public interest.

Comments on the request for approval of the power sales contract or motions to intervene may be filed with the Commission no later than March 9, 2006, and replies to comments no later than March 20, 2006. The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

All documents (an original and eight copies) must be filed with: Magalie R. Salas, Secretary, Federal Energy