

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09-75-000]

Buckeye Power, Inc., Complainant v. Midwest Independent Transmission System Operator, Inc., Respondent; Notice of Complaint

September 11, 2009.

Take notice that on September 10, 2009, Buckeye Power, Inc. (Buckeye) filed a formal complaint against the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) pursuant to section 306 of the Federal Power Act and Rule 206 of the Commission's Rules of Practice and Procedure. Buckeye alleges in the complaint that it should be able to continue to receive certain ancillary services under the open access transmission tariff of PJM Interconnection, LLC (PJM) for a portion of Buckeye's electric cooperative member load that is located within the Midwest ISO boundaries, rather than being compelled to receive such services from the Midwest ISO under its open access transmission, energy and operating reserve market tariff.

Buckeye certifies that copies of the complaint were served on the Midwest ISO and PJM.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 FERCOOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 1, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-22476 Filed 9-17-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

September 10, 2009.

Table listing various energy projects and their corresponding docket numbers, such as EC&R Papalote Creek I, LLC (EG09-39-000) and Orange Grove Energy, L.P. (EG09-68-000).

Take notice that during the month of July/August, 2009, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations 18 CFR 366.7(a).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-22468 Filed 9-17-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-68-000]

#### Texas Eastern Transmission, LP; Notice of Availability of the Environmental Assessment for the Proposed TEMAX and TIME III Projects

September 11, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission, LP (Texas Eastern) in the above-referenced docket.

The U.S. Army Corps of Engineers (USACE) and Pennsylvania Department of Conservation and Natural Resources participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The projects would require a permit from the USACE pursuant to section 404 of the Clean Water Act (33 United States Code 1344).

The EA assesses the potential environmental affects resulting from two distinct projects known as the Texas Eastern Market Area Crossing (TEMAX) and Texas Eastern Incremental Market Area Expansion III (TIME III) Projects, in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the proposed projects, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

These projects consist of replacement of 25.9 miles of various diameter pipeline, construction of 9.6 miles of loop,<sup>1</sup> use of 0.8 mile of existing

pipeline, and construction of 26.5 miles of new pipeline lateral. In addition, Texas Eastern requests authorization to add 85,633 horsepower (hp) of compression at four existing compressor stations and abandon 9,500 hp of compression at one compressor station, resulting in a net increase of 76,133 hp of compression for the projects. Texas Eastern also requests authorization to uprate the maximum allowable operating pressure of its existing Lines 1 and 2 from 1,000 to 1,112 pounds per square inch gauge for 268 miles between its Uniontown and Marietta Compressor Stations. The proposed facilities are located in Greene, Bedford, Franklin, Adams, Lancaster and York Counties, Pennsylvania.

The TEMAX Project would provide additional natural gas transportation capacity of 395,000 dekatherms per day (Dth/d) from a receipt point with the Rockies Express Pipeline LLC in Clarington, Ohio, to an interconnect with Transcontinental Gas Pipeline Company, LLC (Transco) in York County, Pennsylvania. The TIME III Project, would provide additional transportation capacity of 60,000 Dth/d from a receipt point in Oakford, Pennsylvania to the same interconnect with Transco.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426. (202) 502-8371.

Copies of the EA have been mailed to Federal, State, and local agencies; interested groups and individuals; local newspapers and libraries in the project areas; Native American groups; and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below.

You can make a difference by providing us with your specific comments or concerns about the TEMAX and TIME III Projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in

Washington, DC on or before October 13, 2009.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project's docket number CP09-68-000 with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202-502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov).

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "*Sign up*" or "*eRegister*." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

If you choose the option to mail your comments, label one copy of the comments for the attention of the Gas Branch 1, PJ-11.1.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).<sup>2</sup> Only intervenors have the right to seek rehearing of the Commission's decisions.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding

<sup>1</sup> A pipeline "loop" is a segment of pipe installed adjacent and parallel to an existing pipeline system that is connected to the system at both ends. A loop allows more gas to be moved through that portion

of the pipeline system or functions as a backup system.

<sup>2</sup> Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion of filing comments electronically.