

SW., Washington, DC 20585-0350 (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Xavier Puslowski (Program Office) 202-586-4708 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On November 13, 2001, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA-247 which authorized Constellation (formerly AES NewEnergy, Inc.) to transmit electric energy from the United States to Mexico as a power marketer. On April 10, 2003, FE issued Order No. EA-247-A in which it renewed that authorization for a two-year term which expires on April 10, 2005. On March 9, 2005, Constellation applied to FE to renew the authorization contained in Order No. EA-247-A for a five-year term. In its application, Constellation requested expedited processing of its application so that it may undertake significant new sales into the Mexican market beginning in the Spring/Summer of 2005. DOE has decided to grant Constellation's request and has shortened the public comment period in this proceeding to 15 days.

On November 26, 2001, FE issued Order No. EA-248 which authorized Constellation to transmit electric energy from the United States to Canada as a power marketer. On April 8, 2003, FE issued Order No. EA-248-A which renewed that authorization for a two-year term which expires on April 8, 2005. On March 9, 2005, Constellation applied to FE to renew the authorization contained in Order No. EA-248-B for a five-year term. In its application, Constellation requested expedited processing of its application so that it can continue deliveries of electric energy ranging between 3,000 and 6,000 megawatt-hours per month to Canada. DOE has decided to grant Constellation's request and has shortened the public comment period to 15 days.

In the application filed in Docket No. EA-247-B, Constellation proposes to export electric energy to Mexico over the international transmission facilities owned by San Diego Gas and Electric Company, El Paso Electric Company, Central Power and Light Company, and Comision Federal de Electricidad, the national utility of Mexico.

In the application filed in Docket No. EA-248-B, Constellation proposes to export electric energy to Canada over

the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Boise Cascade, Citizens Utilities Company, Eastern Maine Electric Cooperative, International Transmission Company, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by Constellation NewEnergy, as more fully described in the applications, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

**Procedural Matters.** Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the Constellation application to export electric energy to Mexico should be clearly marked with Docket EA-247-B. Comments on the Constellation application to export electric energy to Canada should be clearly marked with Docket EA-248-B. Additional copies are to be filed directly with Cathy Barron, Esq. Counsel, Constellation NewEnergy, Inc., 800 Boylston St., 28th Floor, Boston, MA 02199 AND Jeffrey D. Watkiss, Esq., William S. Lavarco, Esq., Bracewell & Patterson, LLP, 2000 K Street, NW., 5th Floor, Washington, DC 20006.

A final decision will be made on each of these applications after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of these applications will be made available, upon request, for public inspection and copying at the DOE address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity Regulation," and then

"Pending Proceedings" from the options menus.

Issued in Washington, DC, on March 11, 2005.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Fossil Energy.*

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## DEPARTMENT OF ENERGY

[FE Docket No. PP-300]

### Application for Presidential Permit; Maine Public Service Company

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Maine Public Service Company (MPSCo) has applied for a Presidential permit for the construction, operation, maintenance, and connection of a 138,000-volt (138-kV) electric transmission line across the U.S. border with Canada.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before April 18, 2005.

**ADDRESSES:** Comments, protests, or requests to intervene should be addressed as follows: Office of Fossil Energy (FE-27), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585 (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Dr. Jerry Pell (Program Office) at 202-586-3362 or [Jerry.Pell@hq.doe.gov](mailto:Jerry.Pell@hq.doe.gov), or Michael T. Skinker (Program Attorney) at 202-586-2793.

**SUPPLEMENTARY INFORMATION:** The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On January 21, 2005, MPSCo filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit for the construction of a 138-kV electric transmission line that would cross the U.S.-Canadian border. MPSCo is a wholly-owned subsidiary of Maine and Maritimes Corporation, both of which are headquartered in Presque Isle, Maine.

The proposed 138-kV transmission line would originate at MPSCo's existing substation located in Limestone, Maine, and extend approximately 10.5 miles to the U.S.-

Canadian border in the vicinity of Hamlin, Maine. At the border, the proposed facilities would connect with an existing 138-kV transmission line owned and operated by New Brunswick Power Corporation, the electric utility in the Province of New Brunswick, Canada. MPSCo claims that the proposed international transmission line is required to increase the reliability of the electrical grid in northern Maine.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorization granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities constructed pursuant to Presidential permits to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulation Commission Order No. 888, as amended (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities). In furtherance of this policy, DOE intends to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

**Procedural Matters.** Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with § 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Additional copies of such petitions to intervene or protest also should be filed directly with Thomas F. Osgood, Director of Engineering, System Operations, Asset Management, Maine Public Service Company, P.O. Box 1209, Presque Isle ME 04769-1209.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply

system. In addition, DOE must consider the environmental impacts of the proposed action (*i.e.*, granting the Presidential permit, with any conditions and limitations, or denying it) pursuant to the National Environmental Policy Act of 1969 (NEPA). DOE also must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

The NEPA compliance process is a cooperative non-adversarial process involving members of the public, State governments, tribal governments, and the Federal Government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Notices of forthcoming NEPA activities and information on how to participate in those activities will appear in the **Federal Register**.

Copies of this application will be made available, upon request, for public inspection and copying at the DOE address provided above. In addition, the application may be viewed on, or downloaded from, the Office of Fossil Energy Web site at <http://www.fe.doe.gov/programs/electricityregulation/index.html>. Select "Pending Proceedings" from the options menu.

Issued in Washington, DC, on March 11, 2005.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Fossil Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EG05-52-000, et al.]

#### Basin Creek Equity Partners, L.L.C., et al.; Electric Rate and Corporate Filings

March 10, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

#### 1. Basin Creek Equity Partners, L.L.C.

[Docket No. EG05-52-000]

Take notice that on March 7, 2005, Basin Creek Equity Partners, L.L.C., a Delaware limited liability company (Basin Creek) with its principal executive office at 65 East Broadway, Fourth Floor, Butte, Montana 59701, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations and section 32 of the Public Utility Holding Company Act of 1935, as amended.

Basin Creek states that it is constructing and intends to own and operate an approximately 51.8 MW simple-cycle natural gas-fired generating facility located in Silver Bow County, Montana (Facility). Applicant states that the Facility will be interconnected with the transmission system of NorthWestern Energy, a division of NorthWestern Corporation, which will also purchase the entire electrical output of the Facility at wholesale. Basin Creek further states that it will be engaged directly and exclusively in the business of owning and operating eligible facilities.

*Comment Date:* 5 p.m. eastern time on March 28, 2005.

#### 2. PJM Interconnection, L.L.C.

[Docket No. EL03-236-006]

Take notice that on March 4, 2005, PJM Interconnection, L.L.C. submitted a compliance filing pursuant to the Commission's order issued January 25, 2005 in Docket No. EL03-236-001, *et al.*, FERC ¶ 61,053 (2005).

*Comment Date:* 5 p.m. eastern time on April 4, 2005.

#### 3. Puget Sound Energy, Inc.

[Docket Nos. EL05-37-001, ER99-845-008]

Take notice that on February 1, 2005, Puget Sound Energy, Inc. (Puget Sound) tendered for filing additional information pursuant to Ordering Paragraph (F) of the Commission's "Order on Updated Market Power Analysis, Instituting Section 206 Proceeding and Establishing Refund Effective Date" issued December 20, 2004 in Docket No. ER99-485-004, *et al.*, 109 FERC ¶ 61,293 (2004).

*Comment Date:* 5 p.m. eastern time on March 21, 2005.

#### 4. Southern Company Energy Marketing L.P. and Southern Company Services, Inc.

[Docket Nos. ER97-4166-019, ER96-780-009, EL04-124-002]

Take notice that on February 15, 2005, Southern Company Services, Inc., acting