

18 CFR Part 292**[Docket No. RM79-54; Order No. 70-A]****Small Power Production and Cogeneration Facilities; Amendment to Final Rule Providing that Applications for Commission Certification of Qualifying Status Contain a Notice for Publication in the Federal Register**

May 5, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.**ACTION:** Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby adopts an amendments to its final rule implementing Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The amendment provides that applications for Commission certification of qualifying status by cogenerators and small power producers pursuant to the rules implementing Section 201 of PURPA contain a notice for publication in the Federal Register.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Deborah Gottheil, Office of the General Counsel, 825 North Capitol St., N.E., Washington, D.C. 20426, (202) 357-8457.

On March 13, 1980, the Federal Energy Regulatory Commission (Commission) issued Order No. 70, containing final regulations implementing section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA), (45 FR 17959, March 20, 1980).

These regulations set forth procedures by which certain small power production and cogeneration facilities can become "qualifying facilities" and thus be eligible for the rate benefits and exemptions from federal and State regulation set forth in the Commission's rules in Docket No. RM79-55 implementing section 210 of PURPA (45 FR 12214, February 25, 1980).

Section 292.207(b) of the regulations implementing section 201 of PURPA establishes an optional procedure whereby facilities may apply to this Commission for certification of qualifying status. The Commission is amending § 292.207(b) by adding a new paragraph providing that each application for certification by the

Commission must include a notice describing the application for publication in the Federal Register. The notice should state the name of the applicant, the date of the application, and a brief description of the facility for which the qualification is sought, including a statement indicating whether the facility is a small power production facility or cogeneration facility, the primary energy source used or to be used by the facility, the power production capacity of the facility and its location.

The amendment provides a standard format which should be followed, including a paragraph providing interested persons with information as to how and when they may inform the Commission as to any interest they may have in the proceeding.

EFFECTIVE DATE: The Commission has already received several applications for certification, and therefore believes good cause exists under 5 U.S.C. 553(d) to make this amendment effective immediately.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*, Department of Energy Organization Act 42 U.S.C. 7101 *et seq.*, E.O. 12009, 42 FR 46267, Natural Gas Policy Act of 1978, (15 U.S.C. 3301, *et seq.*)

In consideration of the foregoing, Part 292 of Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

1. Section 292.207 is amended by adding a new paragraph (b)(8) to read as follows:

§ 292.207 Procedures for obtaining qualifying status.

(b) *Optional procedures.* * * *

(8) *Notice.* (i) Applications for certification filed under this paragraph shall include a copy of a notice of the request for certification for publication in the Federal Register. The notice shall state the applicant's name, the date of the application, and a brief description of the facility for which qualification is sought. This description shall include:

(A) A statement indicating whether such facility is a small power production facility or a cogeneration facility;

(B) The primary energy source used or to be used by the facility;

(C) The power production capacity of the facility; and

(D) The location of the facility.

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(ii) The notice shall be in the following form:

(Name of Applicant)
Docket No. QF-

Notice of Application for Commission Certification of Qualifying Status of a (Small Power Production) (Cogeneration) Facility

On (date application was filed), (name and address of applicant) filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying (small power production) (cogeneration) facility pursuant to § 292.207 of the Commission's rules.

[Brief description of the facility].

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[FR Doc. 80-15358 Filed 5-19-80; 8:45 am]

BILLING CODE 6450-85-M