

§ 35.4

effective date of any rate schedule filing having a *filing date* in accordance with §35.2(c) may be deferred at the written request of the filing public utility submitted to the Secretary prior to its acceptance by the Commission.

(b) *Construction of facilities.* Rate schedules predicated on the construction of facilities may be tendered for filing and posted no more than one hundred-twenty days prior to the date set by the parties for the contract to go into effect. The Commission, upon request, may permit a rate schedule or part thereof to be tendered for filing and posted more than one hundred-twenty days before it is to become effective.

(16 U.S.C. 284(d); Pub. L. 95-617; Pub. L. 95-91; E.O. 12009, 42 FR 46267)

[44 FR 16372, Mar. 19, 1979; 44 FR 20077, Apr. 4, 1979]

**§35.4 Permission to become effective is not approval.**

The fact that the Commission permits a rate schedule or any part thereof or any notice of cancellation to become effective shall not constitute approval by the Commission of such rate schedule or part thereof or notice of cancellation.

**§35.5 Rejection of material submitted for filing.**

The Secretary, pursuant to the Commission's rules of practice and procedure and delegation of Commission authority, shall reject any material submitted for filing with the Commission which patently fails to substantially comply with the applicable requirements set forth in this part, or the Commission's rules of practice and procedure.

**§35.6 Submission for staff suggestions.**

Any public utility may submit a rate schedule or any part thereof or any material relating thereto for the purpose of receiving staff suggestions and comments thereon prior to filing with the Commission.

**§35.7 Number of copies to be supplied.**

All tariffs, rate schedules and contracts, or parts thereof, and material

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related thereto including any change in rates, certificates of concurrence, notices of cancellation or termination, and notices of succession, shall be supplied to the Commission for filing in six copies. All copies are to be included in one package, together with six copies of the letter of transmittal and all other materials and information required by these regulations, and addressed to the Federal Energy Regulatory Commission, Washington, DC 20426.

[Order 525, 40 FR 8947, Mar. 4, 1975, as amended by Order 541, 57 FR 21734, May 22, 1992]

**§35.8 Comments by interested parties.**

(a) *Form of notice for Federal Register.* The public utility shall file a form of notice suitable for publication in the FEDERAL REGISTER, as well as a copy of the same notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½' diskette marked with the name of the applicant and the words "Notice of Filing," which shall be in the following form:

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION  
(Name of Utility ) Docket No.  
NOTICE OF TARIFF CHANGE

Take notice that (name of public utility), on (date), tendered for filing proposed changes in its FERC Electric Service Tariff, (Volume Nos.). [The following language in the first paragraph applies only to increased rate filings]. The proposed changes would increase revenues from jurisdictional sales and service by (amount) based on the 12 month period ending (date). [If changes other than increased rates and charges are proposed, the public utility shall concisely state the nature of these changes].

[The public utility shall briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the public utility's jurisdictional customers, (other parties the public utility served, *inter alia*, state public service commissions, other government agencies, etc.).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§385.212 and 385.207 of this chapter. All such petitions or protests should be