

The panel further found, in examining the Act, regulations, and preamble to the regulations, that the term "Federal property" was used interchangeably with the words "building, location, and premises." See 20 U.S.C. 107a(d) and 34 CFR 395.31. Therefore, the majority of the panel reasoned that the interpretation of the term "Federal property" should not be so convoluted as to result in the provision of a windfall of other unassigned vending machine income being distributed to the blind vendors operating vending routes at the Savannah River site. The majority of the panel reasoned further that for the purposes of the Act the Savannah River site is no more a single Federal property than the District of Columbia.

In addition, the panel took into account the decision of the Commissioner of RSA that the SLA could treat the Savannah River site as more than one Federal property. The panel stated that this RSA policy should be given deference as the Commissioner is charged by Congress with the direct national administration, policy, and management responsibility for the Act.

For the foregoing reasons, the majority of the arbitration panel concluded that—(1) neither the Act, the regulations promulgated under it, nor any decision by an arbitration panel or court compels the Savannah River site to be treated as a single Federal property for the purposes of the Randolph-Sheppard Act; (2) the blind vendor routes at the Savannah River site constitute separate and distinct Federal properties; (3) to find otherwise would constitute a distortion of the provisions and underlying purpose of the Randolph-Sheppard Act; and (4) to allocate unassigned vending income to the complainants in this case would be an unanticipated windfall to them.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: February 22, 1999.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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## DEPARTMENT OF ENERGY

[Docket No. EA-205]

### Application To Export Electric Energy; A. Gonzalez, Inc.

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

**ACTION:** Notice of application.

**SUMMARY:** A. Gonzalez, Inc. has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before March 31, 1999.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, 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) 202-586-6667.

**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 February 18, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from A. Gonzalez Inc. (AGI) to transmit electric energy from the United States to Mexico. AGI is a power marketer and does not own or control any facilities for the generation or transmission of electricity, nor does it have a franchised service area. AGI proposes to transmit to Mexico electric energy purchased from electric utilities and other suppliers within the U.S.

In FE Docket EA-205, AGI proposes to arrange for the delivery of 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 Commission Federal de Electricidad, the national electric utility of Mexico.

The construction of each of the international transmission facilities to be utilized by AGI, as more fully described in the application, 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 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 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 date listed above.

Comments on the AGI application to export electric energy to Mexico should be clearly marked with Docket EA-205. Additional copies are to be filed directly with Antonio Gonzalez, 2345 Marconi Court, Suite A, Otay Mesa, California 92173.

A final decision will be made on this application after the environment impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), 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 this application will be made available, upon request, for public inspection and copying at the 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 "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on February 23, 1999.

**Anthony J. Como,**

*Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP-152-000]

### Canadian-Montana Pipe Line Corporation; Notice of Application for Section 3 Authorization and Request for a Presidential Permit

February 23, 1999.

Take notice that on January 12, 1999, Canadian-Montana Pipe Line Corporation (CMPL), 40 East Broadway, Butte, Montana 59701, filed an application pursuant to Section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations for a Presidential Permit and authorization to site, construct, and operate facilities for the importation of natural gas from Canada. CMPL's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-2222 for assistance).

Specifically, CMPL is seeking NGA Section 3 authority and a Presidential