

in its October 11, 2022, settlement agreement with the U.S. Fish and Wildlife Service, New York State Department of Environmental Conservation, American Whitewater, and the New York State Council of Trout Unlimited, Ampersand proposes the following changes to project operation and facilities: (1) providing two seasonal minimum flow regimes over the spillway and through the bypass gate: (a) a 15 cubic feet per second (cfs) minimum flow or inflow, whichever is less, from June 1 to October 31, and (b) a 35 cfs minimum flow or inflow, whichever is less, from November 1 to May 31; (2) installing trash racks with 1-inch clear spacing or the equivalent (e.g., an overlay-type system) whereby approach velocities are less than or equal to 2 feet per second, as measured 1 foot in front of the trash racks; and (3) installing and maintaining a year-round downstream fish passage structure. Ampersand also proposes to remove the existing 9,315-foot-long transmission line from the project, stating that the line also provides power to the project from the grid and thus should not be considered a primary transmission line.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested individuals an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (www.ferc.gov) using the "eLibrary" link. At this time, the Commission has suspended access to the Commission's Public Access Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments.	March 2023.
Scoping Document 1 comments due.	April 2023.
Issue Scoping Document 2 (if necessary).	May 2023.

Issue Notice of Ready for Environmental Analysis.	May 2023.
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Dated: March 9, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-05289 Filed 3-14-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD23-7-000]

Emrgy Inc.; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On February 28, 2023, Emrgy Inc., filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The proposed Oakdale Hydrokinetic 1 Project would have an installed capacity of 30 kilowatts (kW) and would be located within the Oakdale Lower South Main Canal near Oakdale, Stanislaus County, California.

Applicant Contact: Eric Fleckten, Emrgy Inc., 75 5th Street NW, Suite 3160, Atlanta, GA, 30308, 855-459-1818, eric@emrgy.com.

FERC Contact: Christopher Chaney, 202-502-6778, christopher.chaney@ferc.gov.

Qualifying Conduit Hydropower Facility Description: The project would consist of: (1) four 7.5-kW hydrokinetic units spaced approximately 250 feet apart and (2) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 24-39 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed Oakdale Hydrokinetic 1 Project will not alter the primary

purpose of the conduit, which is for irrigation. Therefore, based upon the above criteria, Commission staff

preliminarily determines that the operation of the project described above satisfies the requirements for a

qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 30 days from the issuance date of this notice. Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the "COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY" or "MOTION TO INTERVENE," as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.¹ All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in

the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Locations of Notice of Intent: The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (i.e., CD23-7) in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. Copies of the notice of intent can be obtained directly from the applicant. For assistance, call toll-free 1-866-208-3676 or email FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

Dated: March 9, 2023.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC23-61-000.

Applicants: Eligo Energy LLC, Phoenix Energy Group, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Phoenix Energy Group, LLC, et al.

Filed Date: 3/8/23.

Accession Number: 20230308-5165.

Comment Date: 5 p.m. ET 3/29/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2721-013.

Applicants: El Paso Electric Company.

Description: El Paso Electric Company submits Notice of Change in Status to Reflect Participation in California Independent System Operator Corporation's Energy Imbalance Market.

Filed Date: 9/9/22.

Accession Number: 20220909-5175.

Comment Date: 5 p.m. ET 3/23/23.

Docket Numbers: ER23-397-002.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to ISA and ICSA, SA Nos. 5564 and 5565; Queue No. AA2-161 (amend) to be effective 1/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5042.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1272-000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Replacement Generation OATT

Revisions to be effective 5/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5043.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1273-000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2023-03-09_SA 4002 Ameren IL-Moraine Sands Wind FSA (GIA) (J1453) to be effective 5/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5072.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1274-000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Chilatchee 44 LGIA Filing to be effective 2/23/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5085.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1275-000.

Applicants: Aron Energy Prepay 21 LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 5/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5088.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1276-000.

Applicants: Aron Energy Prepay 22 LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 5/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5091.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1277-000.

Applicants: Aron Energy Prepay 23 LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 5/9/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5092.

Comment Date: 5 p.m. ET 3/30/23.

Docket Numbers: ER23-1278-000.

Applicants: Eastern Power & Gas LLC.
Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 3/10/2023.

Filed Date: 3/9/23.

Accession Number: 20230309-5113.

Comment Date: 5 p.m. ET 3/30/23.

Take notice that the Commission received the following electric securities filings:

¹ 18 CFR 385.2001-2005 (2021).