

Colorado Springs, Colorado 80944 at (719) 520-3782 or by fax at (719) 667-7534 or Craig V. Richardson, Vice President and General Counsel, Ruby Pipeline, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80944 at (719) 520-4370 or by fax at (719) 520-4898.

On January 31, 2008, the Commission staff granted Ruby's request to utilize the FERC Pre-Filing Process and assigned Docket No. PF08-9-000 to staff activities involved in the Ruby Project. Now as of the filing of Ruby's application on January 27, 2009, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP09-54-000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: complete the environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* March 2, 2009.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E9-3222 Filed 2-13-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 382-076]

#### **Southern California Edison Company; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests**

February 6, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to Boating Flow Augmentation Plan.

b. *Project No.:* 382-076.

c. *Date Filed:* January 16, 2009.

d. *Applicant:* Southern California Edison Company.

e. *Name of Project:* Borel Hydroelectric Project.

f. *Location:* The proposal would be located on the Kern River, in Kern County, California. The project occupies almost 189 acres of Federal lands; 159.24 acres are within the Sequoia National Forest and administered by the U.S. Forest Service, and 29.47 acres are administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Candace Irelan, Southern California Edison Co., 300 No. Lone Hill Ave, San Dimas, CA 91773; (909) 394-8714;

[Candace.irelan@sce.com](mailto:Candace.irelan@sce.com).

i. *FERC Contact:* Gina Krump, Telephone (202) 502-6704, and e-mail: [Gina.Krump@ferc.gov](mailto:Gina.Krump@ferc.gov).

j. *Deadline for Filing Comments, Motions to Intervene, and Protest:* March 6, 2009.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a

particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Request:* Southern California Edison Company (SCE) is requesting to amend article 402 of the project license. Article 402 requires SCE to develop a plan for boating flow augmentation within the Borel Project diverted reach, enter into an agreement with the U.S. Army Corps of Engineers (COE) and the Kern River Watermaster to implement the plan, and consult with interested parties on the plan. In lieu of the plan, SCE proposes to provide the U.S. Forest Service (FS) funding for improvements to recreational facilities located at the Democrat Dam Boating Take-out, located outside the project boundary on FS lands. SCE proposes to construct an improved boat exit ramp for commercial boaters, a new take-out ramp for private boaters, and improvements to the parking area adjacent to the take-out ramps. Among others, SCE consulted with the FS, COE, U.S. Fish and Wildlife Service, and state and local agencies on its application.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits 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 e-mail of new filings and issuances related to this or other pending projects. For assistance, call (866) 208-3372 or e-mail [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

**Kimberly D. Bose,**

*Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings # 2

February 5, 2009.

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

*Docket Numbers:* EC09-36-000; EC09-37-000; EC09-38-000; EC09-39-000; EC09-40-000; EC09-41-000; EC09-42-000; EC09-43-000; EC09-44-000; EC09-45-000; EC09-46-000.

*Applicants:* EDF Development, Inc., Constellation Energy Group, Inc., Handsome Lake Energy, LLC.

*Description:* Clarification of Applications of EDF Development, Inc.  
*Filed Date:* 02/04/2009.

*Accession Number:* 20090204-5096.  
*Comment Date:* 5 p.m. Eastern Time on Friday, February 13, 2009.

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

*Docket Numbers:* ER99-1435-017.

*Applicants:* Avista Corporation.

*Description:* Avista Corporation submits Revised Sheet 5 *et al.* to FERC

Electric Tariff, Seventh Revised Volume 9.

*Filed Date:* 01/29/2009.

*Accession Number:* 20090202-0543.

*Comment Date:* 5 p.m. Eastern Time on Thursday, February 19, 2009.

*Docket Numbers:* ER01-989-007.

*Applicants:* Green Mountain Power Corporation.

*Description:* Non-Material Change-in-Status Report of Green Mountain Power Corporation.

*Filed Date:* 02/03/2009.

*Accession Number:* 20090203-5152.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, February 24, 2009.

*Docket Numbers:* ER01-2317-007; ER05-1469-001.

*Applicants:* DTE East China, LLC, Metro Energy, LLC.

*Description:* DTE East China, LLC *et al.* submits First Revised Sheet 1 *et al.* to FERC Electric Tariff, Original Volume 4.

*Filed Date:* 01/29/2009.

*Accession Number:* 20090203-0170.

*Comment Date:* 5 p.m. Eastern Time on Thursday, February 19, 2009.

*Docket Numbers:* ER02-2536-006; ER04-925-020.

*Applicants:* Bank of America, N.A., Merrill Lynch Commodities, Inc.

*Description:* Bank of America, N.A. and Merrill Lynch Commodities, Inc. submits Joint Notification of Non-Material Change in Status and Tariff Revisions.

*Filed Date:* 01/29/2009.

*Accession Number:* 20090203-0002.

*Comment Date:* 5 p.m. Eastern Time on Thursday, February 19, 2009.

*Docket Numbers:* ER04-805-009.

*Applicants:* Wabash Valley Power Association, Inc.

*Description:* Supplement to December 29, 2008 Filing of Updated Market Power Analysis of Wabash Valley Power Association.

*Filed Date:* 02/03/2009.

*Accession Number:* 20090203-5016.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, February 24, 2009.

*Docket Numbers:* ER05-6-108; EL04-135-112; EL02-111-129; EL03-212-125.

*Applicants:* Ameren Services Company, Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. *et al.* submits proposed revisions to the Joint Operating Agreement to comply with the Commission's 11/21/05 Order.

*Filed Date:* 01/28/2009.

*Accession Number:* 20090129-0225.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, February 18, 2009.