

*Accession Number:* 20230714–5021.  
*Comment Date:* 5 p.m. ET 8/4/23.  
*Docket Numbers:* ER23–2392–000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original WMPA, SA No. 6980; Queue No. AF2–060 to be effective 9/13/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5031.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2393–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original WMPA, Service Agreement No. 7006; Queue No. AF2–221 to be effective 9/13/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5049.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2394–000.

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

*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Chilatchee 44 LGIA Termination Filing to be effective 7/14/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5065.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2395–000.

*Applicants:* Victory Pass I, LLC.

*Description:* Baseline eTariff Filing: Second Amended and Restated Shared Facilities Common Ownership Agreement to be effective 9/15/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5066.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2396–000.

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

*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Chilatchee 115A LGIA Termination Filing to be effective 7/14/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5067.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2397–000.

*Applicants:* Alabama Power

Company, Georgia Power Company, Mississippi Power Company.

*Description:* Tariff Amendment:

Alabama Power Company submits tariff filing per 35.15: Chilatchee 115B LGIA Termination Filing to be effective 7/14/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5070.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2398–000.

*Applicants:* Arizona Public Service Company.

*Description:* § 205(d) Rate Filing: Interconnection Reforms—First Ready, First Served to be effective 9/30/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5079.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2399–000.

*Applicants:* Arica Solar, LLC.

*Description:* Baseline eTariff Filing: Certificate of Concurrence to be effective 9/15/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5129.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2400–000.

*Applicants:* Redonda PV LLC.

*Description:* Baseline eTariff Filing: Certificate of Concurrence to be effective 9/15/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5144.

*Comment Date:* 5 p.m. ET 8/4/23.

*Docket Numbers:* ER23–2401–000.

*Applicants:* Entergy Texas, Inc.

*Description:* § 205(d) Rate Filing: Umbriel Solar LBA Agreement to be effective 7/14/2023.

*Filed Date:* 7/14/23.

*Accession Number:* 20230714–5145.

*Comment Date:* 5 p.m. ET 8/4/23.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/>)

[fercgensearch.asp](http://fercgensearch.asp)) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: July 14, 2023..

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2023–15430 Filed 7–19–23; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Revocation of Market-Based Rate Authority and Termination of Electric Market-Based Rate Tariff

	Docket Nos.
Data Collection for Analytics and Surveillance and Market-Based Rate Purposes .....	[RM16–17–001
DDP Specialty Electronic Materials US, Inc .....	ER21–331–000
MC (US) 3, LLC .....	ER21–330–000]

On April 20, 2023, the Commission issued an order announcing its intent to revoke the market-based rate authority of the sellers <sup>1</sup> captioned above that had

failed to file their baseline submissions to the market-based rate relational

database,<sup>2</sup> as required by Order No. 860.<sup>3</sup> The Commission directed that

<sup>1</sup> A “seller” is defined as any person that has authorization to or seeks authorization to engage in sales for resale of electric energy, capacity or ancillary services at market-based rates under

section 205 of the Federal Power Act (FPA). 18 CFR 35.36(a)(1); 16 U.S.C. 824d. Each seller is a public utility under section 205 of the FPA. 16 U.S.C. 824.

<sup>2</sup> *Data Collection for Analytics & Surveillance & Mkt.-Based Rate Purposes*, 183 FERC ¶ 61,027 (2023) (April 20 Order).

<sup>3</sup> *Data Collection for Analytics & Surveillance & Mkt.-Based Rate Purposes*, Order No. 860, 168 FERC ¶ 61,039 (2019), *order on reh'g*, Order No. 860–A, 170 FERC ¶ 61,129 (2020).

DDP Specialty Electronic Materials US, Inc. (DDP Materials) and MC 3, LLC (MC 3) file the required baseline submission within 15 days of the date of issuance of the April 20 Order or face revocation of their authority to sell power at market-based rates and termination of their electric market-based rate tariffs.<sup>4</sup>

The time period for compliance with the April 20 Order has elapsed. DDP Materials and MC 3 failed to file their delinquent baseline submissions to the market-based rate relational database. The Commission hereby revokes, effective as of the date of issuance of this notice, the market-based rate authority and terminates the electric market-based rate tariffs of DDP Materials and MC 3. This revocation does not preclude DDP Materials and MC 3 from re-applying for market-based rate authority.

Dated: July 14, 2023.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2023–15422 Filed 7–19–23; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–10686–01–OAR]

### Notice of July 2023 Denial of Petitions for Small Refinery Exemptions Under the Renewable Fuel Standard Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Denial of petitions.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of its final action entitled July 2023 Denial of Petitions for RFS Small Refinery Exemptions (“July 2023 SRE Denial Action”) in which EPA denied 26 small refinery exemption (SRE) petitions under the Renewable Fuel Standard (RFS) program. EPA is providing this notice for public awareness of, and the basis for, EPA’s decision announced on July 14, 2023.

**DATES:** July 20, 2023.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Sarver, Office of Transportation and Air Quality, Compliance Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20004; telephone number: 202–564–1881; email address: [sarver.benjamin@epa.gov](mailto:sarver.benjamin@epa.gov).

#### SUPPLEMENTARY INFORMATION:

<sup>4</sup> April 20 Order, 183 FERC ¶ 61,027 at Ordering Paragraph A.

## I. Background

The Clean Air Act (CAA) provides that a small refinery<sup>1</sup> may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).<sup>2</sup> In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.<sup>3</sup>

## II. Decision

The July 2023 SRE Denial Action<sup>4</sup> relies on the same approach and the same analyses described in the April 2022 SRE Denial Action<sup>5</sup> and the June 2022 SRE Denial Action.<sup>6</sup> In those actions, we conducted an extensive analysis and review of information provided to EPA by small refineries in their SRE petitions and we found that all refineries face the same costs to acquire RINs regardless of whether the RINs are created through the act of blending renewable fuels or are purchased on the open market. This happens because the market price for these fuels increases to reflect the cost of the RIN, much as it would increase in response to higher crude prices. In other words, this increased price for gasoline and diesel fuel allows obligated parties to recover their RIN costs through the market price of the fuel they produce. Because the market behaves this way for all parties subject to the RFS program, there is no disproportionate cost to any party, including small refineries, and no hardship given that the costs are recovered. As a result, we continue to conclude that small refineries do not face DEH. Given this conclusion and the other reasons described in the July 2023 SRE Denial Action, we have denied 26 SRE petitions for the 2016–2018 and 2021–2023 compliance years by finding the petitioning small refineries do not face DEH caused by compliance with their RFS obligations.

<sup>1</sup> The CAA defines a small refinery as “a refinery for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.” CAA section 211(o)(1)(K).

<sup>2</sup> CAA section 211(o)(9)(B)(i).

<sup>3</sup> CAA section 211(o)(9)(B)(ii).

<sup>4</sup> “July 2023 Denial of Petitions for RFS Small Refinery Exemptions,” EPA–420–R–23–007, July 2023.

<sup>5</sup> “April 2022 Denial of Petitions for RFS Small Refinery Exemptions,” EPA–420–R–22–005, April 2022.

<sup>6</sup> “June 2022 Denial of Petitions for RFS Small Refinery Exemptions,” EPA–420–R–22–011, June 2022.

## III. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by the EPA. This section provides, in part, that petitions for review must be filed only in the United States Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of “any other nationally applicable . . . final action taken by the Administrator,” or (ii) when a final action is locally or regionally applicable but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” The CAA reserves to EPA the complete discretion to decide whether to invoke the exception in (ii) described in the preceding sentence.<sup>7</sup>

This final action is “nationally applicable” within the meaning of CAA section 307(b)(1). Whether an action is “nationally applicable” is a narrow inquiry based only on the “face” of the action.<sup>8</sup> The question is whether the action itself is nationally applicable, not whether the nature and scope of the arguments raised or relief sought by a petitioner challenging the action are nationally applicable.<sup>9</sup> On its face, this final action is nationally applicable because it denies 26 SRE petitions for 15 small refineries across the country located within 14 states in 7 of the 10 EPA regions and in 8 different Federal judicial circuits. This final action is based on EPA’s consistent nationwide application of its revised interpretation of the relevant CAA provisions and using its “common, nationwide analytical method” of RIN discount and RIN cost passthrough principles for evaluating all SRE petitions, no matter the location or market in which the small refineries operate.<sup>10</sup>

To the extent a court finds this final action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that this action is based on a determination of “nationwide scope or effect” within the

<sup>7</sup> *Sierra Club v. EPA*, 47 F.4th 738, 745 (D.C. Cir. 2022) (“EPA’s decision whether to make and publish a finding of nationwide scope or effect is committed to the agency’s discretion and thus is unreviewable”); *Texas v. EPA*, 983 F.3d 826, 834–35 (5th Cir. 2020).

<sup>8</sup> *Dalton Trucking, Inc. v. EPA*, 808 F.3d 875, 881 (D.C. Cir. 2015).

<sup>9</sup> *S. Ill. Power Coop. v. EPA*, 863 F.3d 666, 670–71 (7th Cir. 2017); *ATK Launch Sys., Inc. v. EPA*, 651 F.3d 1194, 1198–1199 (10th Cir. 2011); *RMS of Ga., LLC v. EPA*, 64 F.4th 1368, 1372–1373 (11th Cir. 2023).

<sup>10</sup> *S. Ill. Power*, 863 F.3d at 671; *ATK Launch Sys.*, 651 F.3d at 1197.