

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments**

April 6, 2007.

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

a. *Type of Application*: Amendment of Preliminary Permit.

b. *Project No.*: 12611-002.

c. *Date Filed*: March 16, 2007.

d. *Applicant*: Verdant Power, LLC.

e. *Name of Project*: Roosevelt Island Tidal Energy Hydroelectric Project.

f. *Location*: The project would be located in the East River—East and West Channels off Roosevelt Island, and on Roosevelt Island lands bordering the northern Channel, in Queens County, New York. The project would not occupy Federal or Tribal lands.

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

h. *Applicant Contact*: Mr. William H. Taylor, Verdant Power, LLC, 4640 13th Street North, Arlington, VA 22207-2102, (703) 528-6445.

i. *FERC Contact*: Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene*: May 7, 2007.

All documents (original and eight copies) should be filed with: Philis Posey, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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 under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12611-002) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor 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.

k. *Description of Amendment*: The permittee proposes to increase the project boundary to include the following to fields:

*Field 1*. The boundary would be extended from the Roosevelt Island Bridge to the northern tip of Roosevelt Island on the east side of the island in the east channel of the east River.

*Field 2*. The boundary would be extended from an area across from the southern tip of Roosevelt Island as designated within the United Nations navigation security zone to the 59th Street Bridge, on the west side of the west channel of the East River. This field is discontinuous due to cable/tunnel right of ways.

l. *Locations of Applications*: A copy of the application is available for inspection and reproduction at the Commission in the 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 Web site 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. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@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, 385.211, 385.214. 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.

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 under "e-filing" link. The Commission strongly encourages electronic filing.

o. *Filing and Service of Responsive Documents*: Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of

the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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.

**Philis J. Posey,**

*Acting Secretary.*

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**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

**[Project No. 12635-000]**

**Moriah Hydro Corporation; Notice Rejecting Late Intervention**

April 6, 2007.

On January 3, 2006, Moriah Hydro Corporation (Moriah) filed an application for a three-year preliminary permit under Section 4(f) of the Federal Power Act<sup>1</sup> to study the proposed 189-megawatt Mineville Pumped Storage Project No. 12635. Public notice of the application was issued on April 20, 2006, with a deadline of June 19, 2006, for comments and motions to intervene. On November 13, 2006, a preliminary permit was issued to Moriah.<sup>2</sup> The order became final on December 13, 2006.

On March 7, 2007, the New York State Council of Trout Unlimited (Trout Unlimited) filed a late motion to intervene in the permit application proceeding. The permit application proceeding was terminated upon issuance of the permit. Because there is no proceeding in which to intervene,

<sup>1</sup> 16 U.S.C. 797(f) (2000).

<sup>2</sup> *Moriah Hydro Corporation*, 117 FERC ¶ 62,149 (2006).

Trout Unlimited's motion for late intervention is rejected.<sup>3</sup>

**Philis J. Posey,**

*Acting Secretary.*

[FR Doc. E7-6916 Filed 4-11-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 6, 2007.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12770-000.

c. *Date Filed:* January 30, 2007.

d. *Applicant:* Lockhart Power Company.

e. *Name of Project:* Upper Pacolet Project.

f. *Location:* On the Pacolet River, in Spartanburg County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 USC. 791(a)-825(r).

h. *Applicant Contact:* Bryan Stone, Lockhart Power Company, P.O. Box 10, 420 River Street, Lockhart, SC 29364, (864) 545-2211.

i. *FERC Contact:* Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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 under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12770-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list

for the project. Further, if an intervenor 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.

k. *Description of Project:* The proposed project would consist of: (1) An existing 370-foot-long, 22-foot-high Upper Pacolet Dam, (2) an existing impoundment having a surface area of 25 acres, with a storage capacity of 220 acre-feet and normal water surface elevation of 520.5 feet mean sea level, (3) a proposed power house containing two generating units having a total installed capacity of 850 kilowatts, (4) a proposed 1000-foot-long, 34.5 kilovolt transmission line, and (5) appurtenant facilities. The proposed project would have an estimated average annual generation of 5.07 gigawatt-hours, which would be sold to a local utility.

l. *Location of Application:* This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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. For assistance, call toll-free 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@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. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a

notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *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, 385.211, 385.214. 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.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", and "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE.,

<sup>3</sup> If the Moriah files a license application, public notice will be issued; and Trout Unlimited will have an opportunity to intervene and comment on the proposed project.