

*comments.asp*. More information about this project can be viewed or printed on the eLibrary link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-2985-007) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-25095 Filed 10-16-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12642-003]

#### **Wilkesboro Hydroelectric Company, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests**

October 13, 2009.

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

a. *Type of Application:* Original Major License.

b. *Project No.:* P-12642-003.

c. *Date filed:* September 29, 2009.

d. *Applicant:* Wilkesboro Hydroelectric Company, LLC.

e. *Name of Project:* W. Kerr Scott Hydropower Project.

f. *Location:* The proposed project would be located at the existing Army Corps of Engineer's (Corps) W. Kerr Scott Dam on the Yadkin River, near Wilkesboro in Wilkes County, North Carolina.

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

h. *Applicant Contacts:* Mr. Dean Edwards, P.O. Box 1565, Dover, FL 33527, (813) 659-3014, (813) 966-4300 Mr. Kevin Edwards, P.O. Box 143, Mayodan, NC 27027, (336) 589-6138, [ph@piedmonthypower.com](mailto:ph@piedmonthypower.com).

i. *FERC Contact:* Brandi Sangunett at (202) 502-8393, or via e-mail at [brandi.sangunett@ferc.gov](mailto:brandi.sangunett@ferc.gov).

j. *Cooperating agencies:* Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental

document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* November 30, 2009.

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.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "e-filing" link. For a simpler method of submitting text only comments, click on "Quick Comment."

m. The application is not ready for environmental analysis at this time.

n. The proposed 4.0-megawatt (MW) W. Kerr Scott Project would utilize the existing Corps' W. Kerr Scott Dam and operate consistent with the Corp's operation plan, typically to maintain the normal surface elevation of W. Kerr Scott Reservoir at 1,030 feet mean sea level (msl). The proposed project consists of: (1) Two 8-foot-long penstocks; (2) an 80-foot-long by 30-foot-wide by 20-foot-high powerhouse, containing two vertical shaft turbines; (3) a 749-foot-long 12.25-inch-diameter discharge conduit; (4) a 3,600-foot-long, 12.4-kV transmission line; (5) substation; and (6) appurtenant facilities. The project would generate about 22.4 gigawatt hours (GWH) annually.

o. A copy of the application 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, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY,

(202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

p. With this notice, we are initiating consultation with the North Carolina State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR, at § 800.4.

q. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter .....	December 2009.
Issue Acceptance Letter .....	April 2010.
Issue Scoping Document 1 for comments.	May 2010.
Request Additional Information.	July 2010.
Issue Scoping Document 2 Notice of application is ready for environmental analysis.	August 2010.
Notice of the availability of the EA.	January 2011.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-25097 Filed 10-16-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1005-011]

#### **Applications; City of Boulder, CO**

October 9, 2009.

#### **Notice of Application Accepted for Filing, Soliciting Comments, Protests, and Motions To Intervene, Ready for Environmental Analysis, and Soliciting Recommendations and Terms and Conditions**

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

a. *Type of Application:* Conversion of License to Conduit Exemption.

b. *Project No.:* 1005-011.

c. *Date filed:* March 10, 2009.

d. *Applicant:* City of Boulder, Colorado.

e. *Name of Project:* Boulder Canyon Hydroelectric Project.

f. *Location*: On the water supply facilities of the City of Boulder, in Boulder and Nederland Counties, Colorado. All of the lands on which the project structures are located are owned by the applicant. No federal lands would be included in the proposed project boundary.

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

h. *Applicant Contact*: Ms. Carol D. Ellinghouse, Water Resources Coordinator, City of Boulder, Colorado, Department of Public Works, P.O. Box 791, Boulder, CO 80306–0791, phone (303) 441–3266.

i. *FERC Contact*: Robert Bell, (202) 502–6062, [Robert.Bell@ferc.gov](mailto:Robert.Bell@ferc.gov).

j. *Status of Environmental Analysis*: The application is ready for environmental analysis at this time. The Commission is requesting comments, reply comments, and recommendations for both the request to remove licensed project facilities from the project boundary and concerning Commission jurisdiction. The Commission is also requesting terms and conditions for the Conduit Exemption application.

k. *Deadline for filing responsive documents*—The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533, issued May 8, 1991, 56 Fed. Reg. 23,108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed within 60 days from the issuance date of this notice. All reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project numbers (P–1005–011) 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 whose name appears on 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. A copy of any motion to intervene must also be served upon each representative of the applicant specified in a particular application.

l. *Description of request*: In the application filed on March 10, 2009, the City of Boulder seeks to convert the currently licensed Boulder Canyon

Hydroelectric Project No. 1005 to a conduit exemption. This action results in the removal of certain licensed project facilities from the project boundary and from Commission jurisdiction.

a. *Licensed Facilities*: The applicant proposes to convert its license to a conduit exemption for the Boulder Canyon Hydroelectric Project No. 1005. The applicant proposes to remove the following project facilities from the Commission's jurisdiction: (1) A 175-foot-high, 720-foot-long concrete dam; (2) a reservoir (Baker Reservoir) having a surface area of 200 acres; (3) a 225-foot-long tunnel connecting a 11.7-mile-long pipeline; (4) a Forebay (Kossler Reservoir) formed by three embankment dams; and (5) a steel penstock. The aforementioned facilities would remain operational as part of the applicant's water supply facilities.

b. *Conduit Exemption*: The applicant proposes a conduit exemption for the Boulder Canyon Hydroelectric Project No. 1005. The proposed project would be located on its water supply system in Boulder and Nederland Counties, Colorado, and would consist of: (1) An existing powerhouse containing one generating unit having an installed capacity of 10 megawatts, and (2) appurtenant facilities. The City of Boulder, Colorado, estimates the project would have an average annual generation of 11.6 megawatt-hours that would be sold to a local utility.

m. *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 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. 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 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.

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

o. *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 (see item (j) above).

p. *Filing and Service of Responsive Documents*—All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," or "TERMS AND CONDITIONS;" (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. All comments or terms and conditions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). 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. 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 4.34(b) and 385.2010.

q. *e-Filing*: Comments, motions to intervene, protests, recommendations, or terms and conditions 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. The Commission strongly encourages electronic filings.

**Kimberly D. Bose,**  
Secretary.

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