

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No.: P-2301-022]

**PPL Montana; Notice of Application Tendered for Filing with the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments**

December 19, 2006.

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

- a. *Type of Application:* New Major License.
- b. *Project No.:* P-2301-022.
- c. *Date Filed:* December 15, 2006.
- d. *Applicant:* PPL Montana.
- e. *Name of Project:* Mystic Lake Hydroelectric Project.
- f. *Location:* The existing project is located on West Rosebud Creek in Stillwater and Carbon Counties, Montana. The project occupies about 674 acres of federal lands in the Custard National Forest managed by the U.S. Forest Service.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).
- h. *Applicant Contact:* Jon Jourdonnais, PPL Montana, 45 Basin Creek Road, Butte, MT 59701; Telephone (406) 533-3443; email [jhjourdonnais@pplweb.com](mailto:jhjourdonnais@pplweb.com). Additional information on this project is available on the applicant's web site: <http://www.mysticlakeproject.com>.
- i. *FERC Contact:* Steve Hocking, Telephone (202) 502-8753; email [steve.hocking@ferc.gov](mailto:steve.hocking@ferc.gov). Additional information on Federal Energy Regulatory Commission (FERC) hydroelectric projects is available on FERC's web site: <http://www.ferc.gov/industries/hydropower.asp>.
- j. This application is not ready for environmental analysis at this time.
- k. *Project Description:* The existing project consists of the following: (1) a 368-foot-long, 45-foot-high, concrete arch dam/spillway; (2) 42-inch high

timber flashboards on top of the arch spillway; (3) a 145-foot-long, 15-foot-high concrete core and earthfill dike with 1-foot-high flashboards; (4) Mystic Lake with a storage capacity of 47,000 acre-feet and a surface area of 446.7 acres at its normal maximum surface elevation of 7,673.5 feet above msl; (5) a 33-foot-long, 7-foot-high, by 9-foot-wide concrete intake structure at the left abutment of the dike; (6) a conduit from the intake structure to the powerhouse consisting of a 1,005-foot-long rock tunnel, a 9,012-foot-long, 57-inch steel pipeline with an inverted siphon near the mid-point of the pipeline, a surge tank, and a 2,566-foot-long by 42 to 48-inch diameter steel penstock; (7) a 60-foot-wide by 85-foot-long concrete powerhouse with two turbine-generator units with a total installed capacity of 11.25 megawatts; (8) two concrete tunnels that extend from the powerhouse into West Rosebud Creek; (9) a re-regulation dam about 1.5 miles downstream from the Mystic Lake powerhouse consisting of a 19-foot-high, 420-foot-long earthfill dike with a concrete spillway with flashboards; (10) West Rosebud Lake with a storage capacity of 470 acre-feet and a surface area of 49 acres at its normal maximum surface elevation of 6,397.4 feet above msl; (11) two 5.3-mile-long, 50-kilovolt transmission lines; (12) a 9,363-foot-long distribution line from the powerhouse to the arch dam and a 2,068-foot-long distribution line from the powerhouse to the surge tank; (13) an operator village adjacent to the powerhouse with four homes and three maintenance buildings; and (14) appurtenant facilities.

PPL Montana currently operates the project in both base load and peaking modes depending on water availability, electric demands, and existing license constraints. Typically, from mid-May to mid-August, inflows exceed the project's hydraulic capacity and the project is operated as a base load plant, continuously generating at maximum capacity. During this time, flows above the project's hydraulic capacity are captured in Mystic Lake which is

gradually raised about 15 to 20 feet per month until it exceeds the project's current minimum recreation elevation of 7,663.5 feet msl. In most years, Mystic Lake is maintained about ten feet higher than the minimum recreation elevation during July and August.

After Labor Day, PPL Montana begins to slowly draft Mystic Lake, reducing its elevation by an average of 8 to 9 feet per month, until the lake is at or near its lowest elevation of 6,512.0 feet msl by the end of March. Drafting the lake permits PPL Montana to release more water into West Rosebud Creek than otherwise would be available from inflows from August through March. During the fall and early winter, PPL Montana employs limited peaking to maximize generation during high use periods, generally from 8 a.m. to 4 p.m. daily. In general, flow changes caused by peaking do not extend further than the project's re-regulation dam which creates West Rosebud Lake located about one mile downstream of the powerhouse.

l. *Locations of the Application:* 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 (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.

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

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

Milestone	Target date
Notice of Acceptance/ Notice of Ready for Environmental Analysis .....	January 12, 2007 <sup>1</sup>
Filing of interventions, recommendations, preliminary terms and conditions, and fishway prescriptions .....	March 13, 2007
Reply comments due .....	April 27, 2007
FERC issues single EA (without a draft) .....	July 11, 2007
Comments on EA due .....	August 10, 2007
Filing of modified terms and conditions .....	October 9, 2007
Ready for Commission decision .....	November 15, 2007

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

**Magalie R. Salas,**

*Secretary.*

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BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

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

December 20, 2006.

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.:* 12749-000.

c. *Date Filed:* November 2, 2006.

d. *Applicant:* Oregon Wave Energy Partners, LLC. *Pse. Name of Project:* Coos Bay OPT Wave Park Project.

f. *Location:* The project would be located in the Pacific Ocean about 2.5 miles off shore in Coos County, Oregon.

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

h. *Applicant Contacts:* Charles F. Dunleavy, Oregon Wave Energy Partners, LLC, 1590 Reed Road, Pennington, NJ 08534, phone: (609)-730-0400.

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.

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) 200 to 400 Power Buoys having a total installed capacity of 100 megawatts, (2) a proposed 13.8 kilovolt transmission line; and (3) appurtenant facilities. The project is estimated to have an annual generation of 306.6 gigawatt-hours per-

unit per-year, which would be sold to a local utility.

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. *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.

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.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", "COMPETING APPLICATION" 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.

t. *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