

Or

2. Identify the total expended by sub-recipient for each Title III-related activity in state fiscal year.<sup>10</sup>

**Note:** If no funds were expended by the sub-recipient in state fiscal year 2000 for the activities related to Title III, the State shall maintain a record of such determination.

### VIII. Satisfaction of MOE by Sub-Recipients

As the grant recipient, the State is ultimately responsible for ensuring compliance with the MOE, including compliance by sub-recipients. The MOE requirement is applicable to sub-recipients in each fiscal year in which the sub-recipient expends Title II Requirements Payments. If no Requirements Payments are used in a fiscal year, there is no applicable MOE requirement for that year. The State may determine compliance with the MOE requirements by its sub-recipients in either of two manners:

1. The State may hold each sub-recipient individually responsible for meeting an applicable MOE requirement by determining the sub-recipient expends the same or greater local funds than the sub-recipient's base level of expenditure<sup>11</sup> on either:

a. All election administration activities.<sup>12</sup>

Or

b. Each HAVA activity (or activities) on which the sub-recipient expends funds as the corresponding base year activity (or activities).<sup>13</sup>

Or

2. The State may assume responsibility for meeting the MOE

fiscal year 2000 to establish the base level of expenditure. It is not necessary to break out activities related to Title III.

<sup>10</sup>With this method, a sub-recipient needs to identify separately the amount spent on any of the following activities in state fiscal year 2000: Voting equipment, voter registration database, ID requirements, provisional voting, and voter information.

<sup>11</sup>In this method, the sub-recipient county or local unit of government would be responsible for the applicable MOE for any Requirements Payments expended in a given fiscal year.

<sup>12</sup>If the total local dollars expended by the sub-recipient on election-related activities for a given fiscal year are the same or greater than the total base level, the sub-recipient will have met the MOE requirement for that year.

<sup>13</sup>The sub-recipient, for example, would need to document that the sub-recipient expended in a given fiscal year the same or more on each activity on which Requirements Payments are expended than the amount spent in each allowable area in state fiscal year 2000: Voting equipment, voter registration database, ID requirements, provisional voting, and voter information. If the sub-recipient does not spend any Requirements Payments on an activity (say, voting equipment) in a particular fiscal year, then the MOE requirement for that activity (voting equipment) would not apply.

requirements of its sub-recipients by expending State dollars in an amount equal or greater than the sub-recipient's base level of expenditure, in addition to any MOE applicable to the State, in each Federal fiscal year that HAVA funds are used by the sub-recipient<sup>14</sup> on either:

a. All election administration activities.<sup>15</sup>

Or

b. Each HAVA activity (or activities) on which the sub-recipient expends funds as the corresponding base year activity (or activities).<sup>16</sup>

**Donetta L. Davidson,**

*Vice-Chair, U.S. Election Assistance Commission.*

[FR Doc. E8-29442 Filed 12-11-08; 8:45 am]

**BILLING CODE 6820-KF-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 785-018]

#### Consumers Energy Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

December 8, 2008.

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

a. *Type of Application:* New License.

b. *Project No.:* P-785-018.

c. *Date Filed:* April 4, 2008.

d. *Applicant:* Consumers Energy Company.

e. *Name of Project:* Calkins Bridge Hydroelectric Project.

f. *Location:* On the Kalamazoo River in Allegan County, Michigan. The project does not occupy federal lands.

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

h. *Applicant Contact:* James R. Coddington, Consumers Energy

<sup>14</sup>In this method, the State will absorb responsibility by expending State dollars, in excess of the State's MOE requirement, to account for a sub-recipient's MOE.

<sup>15</sup>The State, for example, must expend the same or more State dollars in each applicable fiscal year than the sub-recipient's total base level.

<sup>16</sup>The State in each applicable fiscal year, for example, must expend the same or more in each allowable area than the amount spent by the sub-recipient in each allowable area in state fiscal year 2000: Voting equipment, voter registration database, ID requirements, provisional voting, and voter information. If the sub-recipient does not spend any Requirements Payments on an activity (say, voting equipment) in a particular fiscal year, then the MOE requirement for that activity (voting equipment) would not apply.

Company, One Energy Plaza, Jackson, MI 49201, (517) 788-2455.

i. *FERC Contact:* Tim Konnert, (202) 502-6359 or [timothy.konnert@ferc.gov](mailto:timothy.konnert@ferc.gov).

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 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.

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.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "eFiling" link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The existing Calkins Bridge Project consists of: (1) A 42-foot-high, 1,330-foot-long dam, consisting of a 1,100-foot-long earth embankment section and a 230-foot-long concrete integral powerhouse-spillway section; (2) an 8.5-mile-long, 1,550-acre reservoir with a normal water surface elevation of 615.0 feet above mean sea level; (3) a powerhouse containing three generating units with a total installed capacity of 2,550 kilowatts; (4) three 64-foot-long, 24-kilovolt buried transmission cables connected to the regional grid; and (5) appurtenant facilities. The estimated average annual generation of the project is 13,041 megawatt-hours.

m. 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.

n. All filings must (1) Bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "FISHWAY PRESCRIPTIONS;" (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, recommendations, terms and conditions or prescriptions 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. Each filing 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.

o. *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
Commission issues EA.	May 2009
Comments on EA .....	June 2009

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-29470 Filed 12-11-08; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 13288-000]

**Riverbank Ogdensburg, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

December 8, 2008.

On September 23, 2008, Riverbank Ogdensburg, LLC filed an application, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Ogdensburg Pumped Storage Project to be located on the St. Lawrence River in St. Lawrence County, New York.

The proposed project would consist of: (1) The St. Lawrence River as an upper reservoir; (2) an underground lower reservoir with an elevation of 1,800 feet below MSL and a storage capacity of 3,775 acre-feet; (3) four 13 foot diameter, 2,000 foot long, concrete and steel penstocks; (4) an underground powerhouse containing four pump/turbine units with a total installed capacity of 1,000 MW; (5) a 345 kV, 18.6 mile long transmission line; and (6) appurtenant facilities. The annual production would be 2,190 GWh which would be sold to a local utility.

*Applicant Contact:* William S. Helmer, Esq., 194 Washington Ave., Suite 315, Albany, New York 12210 (518) 689-3570.

*FERC Contact:* Kelly Houff (202) 502-6393.

Deadline for filing comments, motions to intervene: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-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-13288) in the docket number field to access the document. For

assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

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**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 13302-000]

**Scott's Mill Hydropower, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

December 8, 2008.

On October 14, 2008, Scott's Mill Hydropower, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Scott's Mill Hydropower Project to be located in Amherst and Bedford Counties, Virginia.

The proposed project consists of: (1) An existing 15-foot-high, 925-foot-long masonry dam, (2) an existing reservoir having a surface area of 316 acres, a storage capacity of 3,790 acre-feet, and normal maximum water surface elevation of 511 feet msl, (3) a proposed powerhouse with 4 generating units having a total capacity of 3.6 MW; (4) a proposed 250-foot-long transmission line; and (5) appurtenant facilities. The project would have an annual generation of 14.9 GWh, and would be sold to a local utility.

*Applicant Contact:* Mr. Kevin Edwards, P.O. Box 143, Mayodan, NC 27027, Phone: 336-589-6138. FERC Contact: Henry Woo, 202-502-8872.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "eFiling" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>.