

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

[P-5596-015]

**City of Bedford, VA; Notice of Application for Non-Capacity Related Amendment of License and Soliciting Comments, Motions To Intervene, and Protests**

January 7, 2009.

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

a. *Type of Application*: Request to amend the Bedford Hydropower Project license to allow a variance from the minimum flow requirement during low-inflow/drought conditions and upon consultation with the Virginia Department of Game and Inland Fisheries and the Virginia Department of Environmental Quality.

b. *FERC Project No.*: 5596-015.

c. *Date Filed*: December 15, 2008.

d. *Applicant*: City of Bedford, Virginia.

e. *Name of Project*: Bedford Hydroelectric Project (P-5596).

f. *Location*: The Bedford Hydroelectric Project is located on the James River in the counties of Bedford and Amherst, Virginia.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a-09825r.

h. *Applicant Contact*: Mr. Charles Kolakowski, City of Bedford, 215 East Main Street, Bedford, Virginia 25423, Tel: (540) 587-6002.

i. *FERC Contact*: Ms. Rachel Price, (202) 502-8907; e-mail: [rachel.price@ferc.gov](mailto:rachel.price@ferc.gov).

j. *Deadline for filing comments, motions to intervene and protests*: February 9, 2009.

Please include the project number with the extension 015 (P-5596-015) on any comments or motions filed. All documents 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, 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. In lieu of electronic filing, an original and eight copies of all documents may be mailed to the Secretary at the address above.

The Commission's Rules of Practice and Procedure require all intervenor 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 the particular application.

k. *Description of Request*: The City of Bedford is requesting a non-capacity amendment to its license for the Bedford Hydroelectric Project in order to allow a variance from the existing minimum instream flow of 400 cubic feet per second (cfs) in the bypass reach during low flow conditions in the James River. The amendment would allow the following project operations depending on flow conditions in the James River as measured at the U.S. Geological Survey gaging station no. 02025500: (1) At flows of 1000 cfs or greater, a minimum instream flow of 400 cfs would be released in the bypass reach; (2) at flows between 800 and 1000 cfs, 600 cfs would go through the turbines for power generation and the remainder (between 200 and 400 cfs) would be released in the bypass reach; and (3) at flows less than 800 cfs, generation would cease and all flows would be released in the bypass reach. In addition, the amendment would require the City of Bedford to notify the Virginia Department of Game and Inland Fisheries (VDGIF) and the Virginia Department of Environmental Quality (VDEQ) if flows in the James River are less than 1000 cfs for five consecutive days, and consult with the VDEQ regarding the continuation of the variance.

l. *Location of the Application*: The filing 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://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/docsfiling/esubscription.asp> to be notified via e-mail or 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.

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, and 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.

o. Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

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.

q. 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 at <http://www.ferc.gov> under the "e-Filing" link.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-539 Filed 1-13-09; 8:45 am]

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

[Project No. 13126-001]

**MARMC Enterprises, LLC; Notice of Application for Amendment of Preliminary Permit Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

January 7, 2009.

On October 20, 2008, MARMC Enterprises, LLC filed an amendment to

their preliminary permit application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of Algiers Cutoff Project. The proposed project would be located on the Mississippi River in Orleans Parish, Louisiana. The project uses no dam or impoundment.

The proposed description of the amendment: After performing cursory hydrology and bathymetric studies, the permittee determined that the proposed area might not be the optimal site for deployment of the project. The permittee is requesting to extend the upstream boundary to mile marker to 92.5.

*FERC Contact:* Patricia W. Gillis, 202-502-8735.

*Deadline for filing comments or motions to intervene:* 30 days from the issuance of this notice. Comments and motions to intervene 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 Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13126-001) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-543 Filed 1-13-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-40-000 PF08-16-000]

#### Southeast Supply Header, LLC & Southern Natural Gas Company; Notice of Application

January 7, 2009.

Take notice that on December 19, 2008, Southeast Supply Header, LLC (SESH), 5400 Westheimer Court, Houston, Texas 77056 and Southern Natural Gas Company (Southern), P.O.

Box 2563, Birmingham, Alabama 35202-2563 filed in the above referenced docket a joint application pursuant to section 7(c) of the NGA and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity to expand by compression a portion of their jointly owned pipeline facilities approved in Docket Nos. CP07-44-000 and CP07-45-000 (JPE Phase II Project), all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web 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 at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Specifically, SESH/Southern propose to install one additional 15,000 horsepower (HP) compressor and appurtenances at both the Delhi Compressor Station in Richland Parish, Louisiana and the Gwinville Compressor Station in Jefferson Davis County, Mississippi. The applicants state that the JPE Phase II Project will provide an additional 360,000 Dth/d of capacity for Southern on their jointly owned pipeline facilities. The applicants estimate that the expansion will cost Phase II Project is \$67,687,059 and propose an in-service date of June 1, 2011.

Any questions concerning this application may be directed to Brian O'Neill, Dewey & LeBoeuf LLP, 1101 New York Avenue, NW., Washington, DC 20005-4213 at (202) 346-8000.

On April 4, 2008, the Commission staff granted SESH's request to utilize the Pre-Filing Process and assigned Docket No. PF08-16-000 to staff activities involved the JPE Phase II Project. Now as of the filing the December 19, 2008 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP09-40-000, as noted in the caption of this Notice.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, a motion to intervene in

accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentators will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentators will not be required to serve copies of filed documents on all other parties. However, the non-party commentators will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the