

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No 12613-001]

Tygart, LLC.; Notice of Intent To File License Application, Filing of Pre-Application Document, Commencement of Licensing Proceeding, Scoping Meetings, Solicitation of Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

February 19, 2009.

a. *Type of Filing:* Notice of Intent to File License Application and Commencing Licensing Proceeding.

b. *Project No.:* 12613-001.

c. *Dated Filed:* December 23, 2008.

d. *Submitted By:* Tygart, LLC.

e. *Name of Project:* Tygart Hydroelectric Project.

f. *Location:* At the Corps of Engineers' Tygart dam on the Tygart River in Barbour and Taylor Counties, West Virginia.

g. *Filed Pursuant to:* 18 CFR Part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Clifford Phillips, Tygart, LLC, 150 North Miller Road, Suite 450 C, Fairlawn, Ohio 44333, (330) 869-8451.

i. *FERC Contact:* Michael Spencer, michael.spencer@ferc.gov, (202) 502-6093.

j. We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph o 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. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR Part 402; and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Tygart, LLC as the Commission's non-Federal representative for carrying out informal consultation, pursuant to

Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act.

m. Tygart, LLC filed a Pre-Application Document (PAD, including a proposed process plan and schedule) with the Commission pursuant to 18 CFR 5.6 of the Commission's regulations. The Commission will issue the Scoping Document for the proposed Tygart Project on or about February 20, 2009.

n. A copy of the PAD and the scoping document are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<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 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 paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. The commencement date of this proceeding is February 21, 2009. With this notice we are soliciting comments on the PAD and the scoping document, as well as study requests. All comments on the PAD and the scoping document, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and the scoping document, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application (original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name (Tygart Project) and number (P-12613-001), and bear the heading "Comments on Pre-Application Document," "Study Requests," "Comments on Scoping Document 1," "Request for Cooperating Agency Status," or "Communications to and from Commission Staff." Any individual or entity interested in submitting study requests, commenting on the PAD or the scoping document, and any agency requesting cooperating status must do so by April 22, 2009.

1. Comments on the PAD and the scoping document, study requests,

requests for cooperating agency status, and other permissible forms of communications with the Commission 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."

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Monday, March 23, 2009.

Time: 6 p.m. (EST).

Location: Wingate Hotel, 350 Conference Center Way, Bridgeport, WV 26330.

Phone: (304) 808-1000.

Daytime Scoping Meeting

Date: Tuesday, March 24, 2009.

Time: 10 a.m. (EST).

Location: Same location.

The scoping document, which outlines the issues to be addressed in the environmental document, will be mailed to the individuals and entities on the Commission's mailing list. Copies of the scoping document will be available at the scoping meetings, and may be viewed on the Web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Depending on the extent of comments received, a revised Scoping Document may or may not be issued.

Site Visit

Tygart, LLC will conduct a tour of the proposed project site at 2 p.m. on Monday, March 23, 2009. All participants should meet in the parking lot in front of the Army Corps of Engineers' office at Tygart dam. All participants are responsible for providing photo identification to enter this Corps of Engineers' facility. Photography will be prohibited. Anyone with questions about the site visit should contact Mr. Clifford Phillips of Tygart, LLC at (330) 869-8451 on or before March 20, 2009.

Scoping Meeting Objectives

At the scoping meetings, staff will: (1) Present a proposed list of issues to be addressed in the EA; (2) review and discuss existing conditions and resource agency management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of Federal, State, and Tribal permitting and certification processes; and (5) discuss requests by any Federal or State agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and the scoping document are included in item n of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-4086 Filed 2-25-09; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. OR09-4-000]

Holly Refining and Marketing Company, Complainant v. Plains All American Pipeline, L.P. and Rocky Mountain Pipeline System LLC, Respondents; Notice of Complaint

February 19, 2009.

Take notice that on February 17, 2009, pursuant to sections 3(1), 9, 13(1), 15(1) and 16(1) of the Interstate Commerce Act (ICA), 49 U.S.C. App. 3(1), 9, 13(1), 15(1), and 16(1), Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, and section 343.1(a) of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1(a), Holly Refining and Marketing Company (Complainant) filed a complaint against Plains All American Pipeline, L.P. (PAAP) and Rocky Mountain Pipeline System LLC (RMPS) alleging undue and unjust preferential treatment of affiliates of PAAP and RMPS, undue and unjust prejudice and discrimination against the Complainant, and challenging the lawfulness of the proposed reversal of flow on the interstate pipeline segment of RMPS which currently provides crude oil transportation service from Ft. Laramie, Wyoming to Wamsutter, Wyoming.

The Complainant states that a copy of the complaint has been served on the PAAP and RMPS.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of 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 "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on March 9, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-4085 Filed 2-25-09; 8:45 am]

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER09-683-000]

Alex Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 19, 2008.

This is a supplemental notice in the above-referenced proceeding of Alex Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability, is March 11, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor