

electronically. The Commission provided that the conversion to electronic tariff filings would begin April 1, 2010, with pipelines and utilities filing baseline tariffs according to a six-month staggered filing schedule worked out between staff and industry. Standard notice and comment periods will apply to these baseline filings. Once an oil or gas pipeline or electric utility has made its baseline filing, all subsequent tariff-related filings must be made electronically.

At the Commission staff technical conference held on November 20, 2009, staff indicated that, from its perspective, a filing schedule would be acceptable as long as the baseline filings are reasonably dispersed throughout the six month period. Having to process many baseline applications at the same time would slow Commission processing time and would work to the disadvantage of both the companies and the Commission. Customers in comments on the Notice of Proposed Rulemaking in this proceeding and at the conference expressed concern that filings be staggered reasonably so that customers would not have to review a large number of baseline filings at the same time. Interest was expressed at the conference in providing the various industries an opportunity to meet with their customer groups to develop a staggered schedule that would balance the baseline filings longitudinally and perhaps geographically.

Commission staff will honor a consensus agreement so long as the filings are generally spread over the six-month transition period. Commission staff will issue a Notice of the filing schedule after reviewing the comments received.

For more information, contact Andre Goodson, Office of the General Counsel, at 202-502-8560 or Keith Pierce, Office of Energy Market Regulation at 202 502-8525 or by sending an e-mail to [ETariff@ferc.gov](mailto:ETariff@ferc.gov).

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-29276 Filed 12-8-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12107-003-MT; Flint Creek Hydroelectric Project]

#### Granite County, MT; Notice of Availability of Environmental Assessment

December 2, 2009.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license (Major Project) for the Flint Creek Hydroelectric Project (project), and has prepared an Environmental Assessment (EA). The proposed project would be located on Flint Creek at the existing Georgetown Lake Dam, in the Upper Clark Fork River basin near Philipsburg, in Granite County and Deer Lodge County, Montana. The proposed project would occupy a total of 2,857.5 acres, of which 1,243.3 acres (1,243 reservoir acres and 0.3 land acre) are within the Beaverhead-Deer Lodge National Forest, administered by the U.S. Forest Service (Forest Service); 1,605.4 reservoir acres owned by Granite County, Montana; and 8.8 acres of private lands.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA 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 (P-12107), 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.

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 at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659.

Any Comments should be filed within 30 days from the date of this notice and should be addressed to: Kimberly D. Bose, Secretary, Federal Energy

Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 12107-003, to all comments. Comments 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 Commissions Web site (<http://www.ferc.gov>) under the "e-Filing" link. For a simpler method of submitting text-only comments, click on "Quick Comment."

Please contact Gaylord Hoisington by telephone at (202) 502-6032 or by e-mail at [gaylord.hoisington@ferc.gov](mailto:gaylord.hoisington@ferc.gov) if you have any questions.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-29281 Filed 12-8-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2589-057]

#### Marquette Board of Light and Power; Notice of Intent To Prepare an Environmental Document and Soliciting Comments

December 2, 2009.

Take notice that the following material addressing dam safety repairs has been filed with the Commission and is available for public inspection:

a. *Filing:* Environmental report to support the repair of the Tourist Park Dam in order to restore Tourist Park Reservoir and operation of the Tourist Park Development under Part 12 of the Commission's regulations.  
b. *Project No:* 2589-057.  
c. *Date Filed:* September 17, 2009.  
d. *Licensee:* Marquette Board of Light and Power.

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

f. *Location:* The Marquette Hydroelectric Project is located on the Dead River in the City of Marquette, Marquette County, Michigan.

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

h. *Licensee Contact:* Eric Booth, Manager of Utility Compliance, Marquette Board of Light and Power, 2200 Wright Street, Marquette, MI 49855-1398, (906) 228-0335.

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

j. *Deadline for filing comments:* January 19, 2010.

All documents should be filed with: Kimberly D. Bose, Secretary, Federal

Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments 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.

k. *Description of material:* Marquette Board of Light and Power has filed an Environmental Report in support of its plan to repair the Tourist Park Dam at the Tourist Park Development, part of the Marquette Hydroelectric Project (FERC No. 2589). The project consists of two separate developments: Forestville and Tourist Park. The proposed work at the Tourist Park Dam would take place within the Tourist Park Development which is the most downstream of the two developments on the Dead River. The Tourist Park Reservoir is operated in a non-peaking mode to re-regulate flows released from the upstream Forestville Development. In May of 2003, the Silver Lake Storage Reservoir, part of the upstream Dead River Project (FERC No. 10855), experienced a breach which resulted in the release of large quantities of water. The resultant high flows reached the Tourist Park Dam, crested the natural right abutment of the dam, and caused the wash out of the dam abutment which resulted in the release of the Tourist Park Reservoir. Since the time of the breach the development has not been operational. In order to restore the Tourist Park Reservoir and return the development to operational conditions as licensed, the licensee plans to repair the dam by constructing an un-gated concrete ogee spillway within the breach channel. In addition, the licensee plans to construct right and left retaining walls and a new embankment with the existing and new core walls. During construction activities, some recreational use of the development may be limited due to traffic and public safety concerns. Following repair of the dam, the licensee plans to refill the Tourist Park Reservoir and operate the development as licensed.

The Commission intends to prepare an environmental document under the National Environmental Policy Act (NEPA) for the planned Tourist Park Dam repair. The NEPA document will be used by the Commission to identify environmental impacts and to identify measures that would help mitigate the impacts caused by the activities associated with the dam repair.

l. *Locations of the Filing:* A copy of 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. 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/subscription.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.

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:* Anyone may submit comments on the material described in this notice. In completing its environmental review, the Commission will consider all comments filed. Any comments must be received on or before deadline for filing comments specified above.

o. Any filing made with the Commission in response to this notice must bear in all capital letters the title "COMMENTS" and the Project Number: P-2589-057.

p. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the material described in this notice. A copy of the filing may be obtained by agencies directly from the licensee. 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 licensee's representatives.

q. Comments 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.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL10-19-000]

#### Western Grid Development, LLC; Notice of Filing

December 2, 2009.

Take notice that on November 20, 2009, Western Grid Development, LLC (WGD) filed, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.208, section 219 of the Federal Power Act, 16 U.S.C. 824s, Order No. 679,<sup>1</sup> and section 35.35 of the Commission's regulations, 18 CFR 35.35, a Petition for Declaratory Order: (1) Requesting the Commission to find that the Energy Storage Devices that will be used in WGD's proposed projects are properly classified as wholesale transmission facilities subject to the Commission's jurisdiction; (2) concluding that the WGD projects at locations where transmission reliability is at issue (WGD Projects) are entitled to incentive-based rate treatment pursuant to FERC regulations; (3) authorizing the specific rate incentives described herein for such WGD Projects; and (4) providing insight on whether the Commission perceives any barrier that could prevent the California Independent System Operator from considering the WGD solution on equal footing with other utility and non-utility proposed transmission alternatives to solve reliability problems.

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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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

<sup>1</sup> *Promoting Transmission Investment Through Pricing Reform*, Order No. 679, FERC Stats. & Regs. ¶ 31,222, *order on reh'g*, Order No. 679-A, FERC Stats. & Regs. ¶ 31,236 (2006), *order on reh'g*, 119 FERC ¶ 61,062 (2007) (Order 679 and Order No. 679-A, respectively).