

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project Nos. 14260-000, 14264-000, 14267-000, 14273-000]

**Lock+ Hydro Friends Fund XII, BOST2, LLC, Riverbank Hydro No. 21, LLC, FFP Project 96, LLC; Notice Announcing Preliminary Permit Drawing**

The Commission has received four preliminary permit applications deemed filed on September 1, 2011, at 8:30 a.m.,<sup>1</sup> for proposed projects to be located at the U.S. Army Corps of Engineers' A.I. Selden Lock and Dam on the Black Warrior River, in Greene and Hale counties, Alabama. The applications were filed by Lock+ Hydro Friends Fund XII for Project No. 14260-000, BOST2, LLC for Project No. 14264-000, Riverbank Hydro No. 21, LLC for Project No. 14267-000, and FFP Project 96, LLC for Project No. 14273-000.

On February 28, 2012, at 9 a.m. (eastern time), the Secretary of the Commission, or her designee, will conduct a random drawing to determine the filing priority of the applicants identified in this notice. The Commission will select among competing permit applications as provided in section 4.37 of its regulations.<sup>2</sup> The priority established by this drawing will be used to determine which applicant, among those with identical filing times, will be considered to have the first-filed application.

The drawing is open to the public and will be held in room 2C, the Commission Meeting Room, located at

888 First St. NE., Washington, DC 20426. A subsequent notice will be issued by the Secretary announcing the results of the drawing.

Dated: February 16, 2012.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not

be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are 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, please contact FERC, Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	Communication date	Presenter or requester
<b>PROHIBITED</b>		
1. P-13226 & P-13368 .....	1-31-12	Lori Barg.
2. CP07-444-000 .....	2-2-12	CitizenLetter. <sup>1</sup>
3. P-12790-000 .....	2-6-12	Karen Reddington-Hughes.
<b>EXEMPT</b>		
1. CP11-56-000 .....	1-26-12	Commission Staff. <sup>2</sup>
2. P-12632-000 .....	1-27-12	Members of Congress. <sup>3</sup>
3. CP11-72-00 .....	1-31-12	Hon. Mary L. Landrieu.
4. P-13226-003 & P-13368-002 .....	2-1-12	Commission Staff. <sup>4</sup>
5. P-459-000 .....	2-1-12	Hon. Blaine Luetkemeyer.
6. P-2662-000 .....	2-3-12	Commission Staff. <sup>5</sup>
7. P-2790-055 .....	2-6-12	Hon. Niki Tsongas.
8. CP11-56-000 .....	2-8-12	Hon. Albio Sires.
9. CP09-444-000 .....	2-8-12	Hon. Scott Garrett.
10. P-1267-000 .....	2-9-12	Hon. Jim DeMint.
11. ER12-188-000 .....	2-9-12	Hon. Al Franken.
12. P-13226-000 .....	2-10-12	Members of Congress. <sup>6</sup>

<sup>1</sup> Under the Commission's Rules of Practice and Procedure, any document received after regular business hours is considered filed at 8:30 a.m. on

the next regular business day. 18 CFR 385.2001(a)(2) (2011).

<sup>2</sup> 18 CFR 4.37 (2011).