

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 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 20, 2012.

Dated: July 31, 2012.

**Kimberly D. Bose,**  
Secretary.

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BILLING CODE 6717–01–P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. EL12–94–000]

**Kentucky Municipal Power Agency; Notice of Filing**

Take notice that on July 30, 2012, Kentucky Municipal Power Agency filed a Proposed Revenue Requirement for reactive supply service under Midwest Independent Transmission System Operator, Inc. Tariff Schedule 2.

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.

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**Kimberly D. Bose,**  
Secretary.

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Notice Rejecting Request for Rehearing**

	Project Nos.
Northland Power Mississippi River LLC .....	14072–001, 14073–002, 14075–002, 14076–002, 14077–002, 14078–002, 14080–002, 14081–002, 14082–002, 14089–002, 14090–002, 14091–002, 14092–002, 14093–002, 14094–002, 14095–002, 14096–002, 14097–002, 14098–002, 14099–002
FFP Project 19 LLC .....	12842–005
FFP Project 23 LLC .....	12843–005

	Project Nos.
FFP Project 24 LLC .....	12844–005
FFP Project 14 LLC .....	12845–005
FFP Project 6 LLC .....	12848–004
FFP Project 7 LLC .....	12851–004
FFP Project 12 LLC .....	12853–005
FFP Project 13 LLC .....	12854–005
FFP Project 3 LLC .....	12856–005
FFP Project 18 LLC .....	12857–004
FFP Project 16 LLC .....	12858–005
FFP Project 28 LLC .....	12861–005
FFP Project 20 LLC .....	12869–005
FFP Project 32 LLC .....	12921–004
FFP Project 33 LLC .....	12924–004
FFP Project 39 LLC .....	12925–004
FFP Project 30 LLC .....	12927–004

On June 1, 2012, the Commission denied Northland Power Mississippi River LLC’s (Northland) request for rehearing of Commission staff orders issuing successive preliminary permits to wholly-owned subsidiaries of Free Flow Power Corporation (Free Flow) to study hydrokinetic projects at sites along the Mississippi River.<sup>1</sup> On July 2, 2012, Northland filed a request for rehearing of the Commission’s order denying rehearing.

Rehearing of an order on rehearing lies when the order on rehearing modifies the result reached in the original order in a manner that gives rise to a wholly new objection.<sup>2</sup> The Commission’s June 1 rehearing order does not modify the result of the orders issuing successive preliminary permits to Free Flow and denying Northland’s competing applications. Therefore, Northland’s request for rehearing of the June 1 order is rejected.<sup>3</sup>

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection notice must be filed within 30 days of the date of issuance of this notice pursuant to 18 CFR 385.713 (2012).

<sup>1</sup> *Northland Power Mississippi River LLC*, 139 FERC ¶ 61,177 (2012).

<sup>2</sup> See *Duke Power*, 114 FERC ¶ 61,148 (2006); *Gustavus Electric Co.*, 111 FERC ¶ 61,424 (2005); *Symbiotic, L.L.C.*, 99 FERC ¶ 61,064 (2002); and *PacificCorp*, 99 FERC ¶ 61,015 (2002). See also *Southern Natural Gas Co. v. FERC*, 877 F.2d 1066, 1072–73 (D.C. Cir. 1999) (citing *Tennessee Gas Pipeline v. FERC*, 871 F.2d 1099–100 (D.C. Cir. 1988)).

<sup>3</sup> Northland also seeks to raise new arguments regarding Free Flow’s diligence under its prior permits and the Commission’s first-in-time tiebreaker rule. Because these arguments could and should have been raised earlier, they are untimely and may not be raised now. Under section 313(a) of the Federal Power Act, 16 U.S.C. 825(a) (2006), a party may apply for rehearing within thirty days after the issuance of the order from which they are seeking rehearing. However, the thirty-day limit is a jurisdictional one which the Commission has no authority to waive, *E.g., Kings River Conservation Dist.*, 32 FERC ¶ 61,021, at 61,079 (1985).