

the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on

the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of

issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, terms and conditions, and prescriptions .....	March 2020.
Reply comments due .....	May 2020.
Commission issues EA .....	September 2020.
Comments on EA due .....	October 2020.

Dated: January 23, 2020.  
**Kimberly D. Bose,**  
 Secretary.  
 [FR Doc. 2020-01597 Filed 1-29-20; 8:45 am]  
**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 2503-178]

**Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests; Duke Energy Carolinas, LLC**

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

- a. *Application Type:* Non-Project Use of Project Lands and Waters.
- b. *Project No:* 2503-178.
- c. *Date Filed:* January 14, 2020.
- d. *Applicant:* Duke Energy Carolinas, LLC.
- e. *Name of Project:* Keowee-Toxaway Hydroelectric Project.
- f. *Location:* Lake Keowee in Pickens County, South Carolina.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicant Contact:* Kelvin Reagan, Manager, Lake Services Southern Region, Duke Energy, 526 S Church Street/EC12Q, Charlotte, NC 28202, (704) 382-9386, [kelvin.reagan@duke-energy.com](mailto:kelvin.reagan@duke-energy.com).
- i. *FERC Contact:* Mark Carter, (678) 245-3083, [mark.carter@ferc.gov](mailto:mark.carter@ferc.gov).
- j. *Deadline for filing comments, motions to intervene, and protests:* February 24, 2020.

The Commission strongly encourages electronic filing. Please file comments,

motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2503-178. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors 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.

k. *Description of Request:* Duke Energy Carolinas, LLC proposes to issue a lease for the construction and operation of a non-project, residential marina within the project boundary that would serve the Harborside Property Owner's Association. Harborside Marina would occupy 0.85 acre of project lands and waters and would include 36 boat docking locations (i.e., 3 cluster docks with 12 double slips and 12 end ties).

The marina proposal includes approximately 166 feet of riprap to be installed as shoreline stabilization.

l. *Locations of the Application:* A copy of the application 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 website 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/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [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. Agencies may obtain copies of the application directly from the applicant.

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, .211, .214, respectively. 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. Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 23, 2020.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2020-01602 Filed 1-29-20; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Order on Intent To Revoke Market- Based Rate Authority

	Docket Nos.
Electric Quarterly Reports	ER02-2001-020
Mint Energy, LLC .....	ER10-1110-000
Westmoreland Partners .....	ER10-2291-001
E-T Global Energy, LLC .....	ER11-2039-001
BBPC, LLC .....	ER11-3028-002
Amerigreen Energy, Inc .....	ER11-3879-001
Mac Trading, Inc .....	ER11-4447-000
Liberty Hill Power LLC .....	ER12-1202-001
Imperial Valley Solar Company (IVSC) 1, LLC.	ER12-1170-003
Lexington Power & Light, LLC.	ER15-455-000
Clear Choice Energy, LLC	ER13-183-000
Energy Discounters, LLC ..	ER14-663-001
Infinite Energy Corporation	ER14-2421-000
North Energy Power, LLC	ER15-626-000

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (2018), and 18 CFR part 35 (2019), require, among other things, that all rates, terms, and conditions for jurisdictional services be filed with the Commission. In Order No. 2001, the Commission revised its public utility filing requirements and established a requirement for public

utilities, including power marketers, to file Electric Quarterly Reports.<sup>1</sup>

2. The Commission requires sellers with market-based rate authorization to file Electric Quarterly Reports summarizing contractual and transaction information related to their market-based power sales as a condition for retaining that authorization.<sup>2</sup> Commission staff's review of the Electric Quarterly Reports indicates that the following thirteen public utilities with market-based rate authorization have failed to file their Electric Quarterly Reports: Mint Energy, LLC, Westmoreland Partners, E-T Global Energy, LLC, BBPC, LLC, Amerigreen Energy, Inc., Mac Trading, Inc., Liberty Hill Power LLC, Imperial Valley Solar Company (IVSC) 1, LLC, Lexington Power & Light, LLC, Clear Choice Energy, LLC, Energy Discounters, LLC, Infinite Energy Corporation, and North Energy Power, LLC. This order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within fifteen days of the date of issuance of this order.

3. In Order No. 2001, the Commission stated that,

[i]f a public utility fails to file a[n] Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, that public utility may forfeit its market-based rate authority and may be required to file a new application for

<sup>1</sup> Revised Pub. Util. Filing Requirements, Order No. 2001, 99 FERC ¶ 61,107, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 125 FERC ¶ 61,103 (2008). See also *Filing Requirements for Elec. Util. Serv. Agreements*, 155 FERC ¶ 61,280, *order on reh'g and clarification*, 157 FERC ¶ 61,180 (2016) (clarifying Electric Quarterly Reports reporting requirements and updating Data Dictionary).

<sup>2</sup> See *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elect. Energy, Capacity and Ancillary Servs. by Public Utils.*, Order No. 816, 153 FERC ¶ 61,065 (2015), *order on reh'g*, Order No. 816-A, 155 FERC ¶ 61,188 (2016); *Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity and Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295 (2007), at P 3, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055 (2008), *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, 125 FERC ¶ 61,326 (2008), *order on reh'g*, Order No. 697-C, 127 FERC ¶ 61,284 (2009), *order on reh'g*, Order No. 697-D, 130 FERC ¶ 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011).

market-based rate authority if it wishes to resume making sales at market-based rates.<sup>3</sup>

4. The Commission further stated that, [o]nce this rule becomes effective, the requirement to comply with this rule will supersede the conditions in public utilities' market-based rate authorizations, and failure to comply with the requirements of this rule will subject public utilities to the same consequences they would face for not satisfying the conditions in their rate authorizations, including possible revocation of their authority to make wholesale power sales at market-based rates.<sup>4</sup>

5. Pursuant to these requirements, the Commission has revoked the market-based rate tariffs of market-based rate sellers that failed to submit their Electric Quarterly Reports.<sup>5</sup>

6. Sellers must file Electric Quarterly Reports consistent with the procedures set forth in Order Nos. 2001, 768,<sup>6</sup> and 770.<sup>7</sup> The exact filing dates for Electric Quarterly Reports are prescribed in 18 CFR 35.10b (2019). As noted above, Commission staff's review of the Electric Quarterly Reports for the period up to the third quarter of 2019 identified thirteen public utilities with market-based rate authorization that failed to file Electric Quarterly Reports. Commission staff contacted or attempted to contact these entities to remind them of their regulatory obligations. Despite these reminders, the public utilities listed in the caption of this order have not met these obligations. Accordingly, this order notifies these public utilities that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within fifteen days of the issuance of this order.

7. In the event that any of the above-captioned market-based rate sellers has already filed its Electric Quarterly Reports in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within fifteen days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

<sup>3</sup> Order No. 2001, 99 FERC ¶ 61,107 at P 222.

<sup>4</sup> *Id.* P 223.

<sup>5</sup> See, e.g., *Elec. Quarterly Reports*, 82 FR 60,976 (Dec. 26, 2017); *Elec. Quarterly Reports*, 80 FR 58,243 (Sep. 28, 2015); *Elec. Quarterly Reports*, 79 FR 65,651 (Nov. 5, 2014).

<sup>6</sup> *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, 140 FERC ¶ 61,232 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013), *order on reh'g*, Order No. 768-B, 150 FERC ¶ 61,075 (2015).

<sup>7</sup> See *Revisions to Elec. Quarterly Report Filing Process*, Order No. 770, 141 FERC ¶ 61,120 (2012).