

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, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *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.

p. *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.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-00264 Filed 1-8-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9985-039]

Rivers Electric, LLC; Notice of Revised Procedural Schedule

Take notice that the schedule for processing the Mill Pond Hydroelectric Project No. 9985 final license application has been updated. Subsequent revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue Acceptance Letter	April 2026.
Issue Scoping Notice for comments.	May 2026.
Issue Notice of Ready for Environmental Analysis.	July 2026.

(Authority: 18 CFR 2.1)

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-00265 Filed 1-8-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. UL26-1-000]

Farmington River Power Company; Notice of Pending Jurisdictional Inquiry and Soliciting Comments, Protests, and Motions To Intervene

On November 3, 2025, the Federal Energy Regulatory Commission (Commission) received a request from Save the Sound for an updated jurisdictional determination for the unlicensed Rainbow Dam Hydroelectric Project. The project is located on the Farmington River, a tributary of the Connecticut River, in Hartford County, Connecticut.

Pursuant to section 23(b)(1) of the Federal Power Act (FPA),¹ a non-federal hydroelectric project must be licensed if it: (a) is located on a navigable water of the United States; (b) occupies lands or reservations of the United States; (c) utilizes surplus water or waterpower from a government dam;² or (d) is located on a stream over which Congress has Commerce Clause jurisdiction, is constructed or modified

on or after August 26, 1935, and affects the interests of interstate or foreign commerce.

A stream is navigable under section 3(8) of the FPA³ if: (1) it is currently being used or is suitable for use, or (2) it has been used or was suitable for use in the past, or (3) it could be made suitable for use in the future by reasonable improvements to transport persons or property in interstate or foreign commerce.⁴ Navigability under section 3(8) of the FPA is not destroyed by obstructions or disuse of many years; personal or private use may be sufficient to demonstrate the availability of the river for commercial navigation; and the seasonal floatation of logs is sufficient to determine that a river is navigable.

Regarding condition (d) above, for purposes of FPA section 23(b)(1), headwaters and tributaries of navigable waters are Commerce Clause streams;⁵ "post-1935" construction or modification at an existing project includes enlarging a project, such as increasing size of the reservoir, height of the dam, or generating capacity;⁶ and projects that generate energy for transmission on the interstate grid affect interstate commerce.⁷

Commission staff previously investigated the Commission's jurisdiction over the Rainbow Dam Project in the 1970s and determined that licensing was not required, noting that there was insufficient evidence that the Farmington River was navigable at the project.⁸ Save the Sound requests that the Commission reexamine the navigability of the Farmington River at

³ 16 U.S.C. 796(8).

⁴ See *Rochester Gas & Elec. Corp.*, 344 F.2d 594, 596 (2d Cir. 1965).

⁵ *FPC v. Union Electric Co.*, 381 U.S. 90, 94-96 (1965).

⁶ See, e.g., *L.S. Starrett Co. v. FERC*, 650 F.3d 19, 26-27 (1st Cir. 2011); *Cent. Vt. Pub. Serv. Corp.*, 54 FERC ¶ 61,132, at 61,434 (1991) (citing *Puget Sound Power & Light Co. v. FPC*, 557 F.2d 1311 (9th Cir. 1977); *Aquenergy Systems, Inc.*, 29 FERC ¶ 61,026 (1984)).

⁷ See *FPC v. Union Elec. Co.*, 381 U.S. at 94-95. Moreover, it is well settled that small hydroelectric projects that are connected to the interstate grid, even if they have no interstate sales, affect interstate commerce by displacing power from the grid, and the cumulative effect of the national class of these small projects is significant for purposes of FPA section 23(b)(1). See *Habersham Mills v. FERC*, 976 F.2d 1381, 1384-85 (11th Cir. 1992).

⁸ See *Farmington River Power Co.*, 49 F.P.C. 389 (1973); but see *Farmington River Power Co.*, 44 F.P.C. 1393 (1970) (finding licensing required based on the retroactive application of the 1935 amendments to section 23(b) of the FPA requiring licensing for projects located on non-navigable streams that affect interstate commerce), *vacated by Farmington River Power Co. v. FPC*, 455 F.2d 86 (2d Cir. 1972) (holding that the 1935 amendment to section 23(b) had no retroactive effect and vacating Commission's 1970 order finding licensing required).

¹ 16 U.S.C. 817(1).

² A project that meets condition (a), (b), or (c) is not required to be licensed if it holds a still valid pre-1920 federal permit.