

i. *FERC Contact*: Chris Chaney, (202) 502-6778, christopher.chaney@ferc.gov.

j. *Cooperating agencies*: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Water Quality Certification*: A water quality certificate under section 401 of the Clean Water Act is required for this proposal from West Virginia Department of Environmental Protection (West Virginia DEP). The applicant must file no later than 60 days following the date of issuance of this notice either: (1) a copy of the request for water quality certification submitted to the West Virginia DEP; or (2) a copy of the water quality certification or evidence of waiver of water quality certification.

l. *Deadline for filing comments, motions to intervene, and protests*: April 16, 2026, 5:00 p.m. Eastern Time.

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>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-2512-089. 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.

m. *Description of Request*: The licensee is proposing to convert energy generation and transmission from a frequency of 25 hertz (Hz) to 60 Hz, to allow for the sale of power directly to the regional electric grid. Under the proposal, the licensee would: (1) replace the Unit 1 and Unit 2 turbines and generators, (2) construct a new switchyard near the existing powerhouse, (3) upgrade one of the existing primary transmission lines and abandon the other in place, (4) construct a new access road near the existing powerhouse, (5) install a new prefabricated metal building near the existing powerhouse and substation, (6) upgrade ancillary equipment. The replacement of Units 1 and 2 would increase the project's authorized installed capacity from 102 megawatts (MW) to 108.5 MW and increase the maximum hydraulic capacity from 10,160 cubic feet per second (cfs) to 10,380 cfs. During powerhouse outages associated with the licensee's proposal, all flows would be spilled into the bypassed reach and the licensee's ability to provide recreational flow releases would be dependent on project inflows. The licensee would continue to operate the project in run-of-river mode during and following construction. Following construction, the licensee would increase the minimum flows in the bypassed reach and increase the number of recreational flow releases while shortening the duration of each recreational flow release.

n. *Locations of the Application*: This filing may 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, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

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

p. *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.

q. *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; and (3) 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.

r. 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: March 17, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026-05523 Filed 3-19-26; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. UL26-3-000]

Arlon Warner; Notice of Pending Jurisdictional Inquiry and Soliciting Comments, Protests, and Motions To Intervene

On February 4, 2026, the Federal Energy Regulatory Commission (Commission) received a request from the Vermont Department of Environmental Conservation (Vermont DEC) for a jurisdictional determination for the unlicensed Potter Brook

Hydroelectric Project. The project is located on Potter Brook in Orleans County, Vermont.

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.

Regarding condition (d) above, for purposes of FPA section 23(b)(1), headwaters and tributaries of navigable waters are Commerce Clause streams;³ “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;⁴ and projects that generate energy for transmission on the interstate grid affect interstate commerce.⁵

On November 7, 1983, Mr. Warner filed an application for exemption from licensing for the project,⁶ which Commission staff rejected as deficient on May 8, 1985, explaining that rejection of the application did not relieve the applicant’s obligation under the FPA to obtain authorization from the Commission for the construction, operation, and maintenance of a hydroelectric project, and directing the applicant to refile an application for license or exemption for the project. On January 13, 1986, Mr. Warner filed a new application for exemption from licensing for the project,⁷ which

Commission staff rejected as deficient on July 25, 1986.

Vermont DEC requests that the Commission examine its jurisdiction for the Potter Brook Project on the grounds that the project is located on a stream over which Congress has Commerce Clause jurisdiction, was constructed after August 26, 1935, and is connected to the transmission grid and began selling power around 1984.⁸

In response to Vermont DEC’s request, Commission staff is investigating the jurisdictional status of the Potter Brook Hydroelectric Project (UL26–3–000). A copy of Vermont DEC’s request may be viewed on the Commission’s website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number, UL26–3–000. 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, for TTY, call (202) 502–8659.

The Commission is soliciting comments, motions to intervene, and protests in this proceeding. Comments, motions to intervene, and protests must be filed by 45 days from notice or May 1, 2026, by 5:00 p.m. Eastern Time. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 211, and 214. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceedings. Any comments, protests, or motions to intervene must be received on or before the specified comment date.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene 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, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you

⁸ Vermont DEC February 4, 2026 Request for Determination of Commission Jurisdiction for the Potter Brook Hydroelectric Project at 2–3.

may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include Docket Number UL26–3–000.

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.

For further information, please contact Kelly Fitzpatrick at (202) 502–8435 or kelly.fitzpatrick@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: March 17, 2026.

Debbie-Anne A. Reese,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1869–067]

NorthWestern Corporation; Notice of Application for Non-Capacity Amendment of License Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

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

- a. *Application Type*: Non-Capacity Amendment of License.
- b. *Project No*: 1869–067.
- c. *Date Filed*: June 4, 2025.
- d. *Applicant*: NorthWestern Corporation.
- e. *Name of Project*: Thompson Falls Hydroelectric Project.
- f. *Location*: The project is located on the Clark Fork River in Sanders County, Montana.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a–825r.
- h. *Applicant Contact*: Michael Green, NorthWestern Corporation, 208 North Montana Avenue, Suite 200, Helena, MT 59601, (406) 443–8923, michael.green@northwestern.com.
- i. *FERC Contact*: Mark Mattozzi, (202) 502–8087, Mark.Mattozzi@ferc.gov.
- j. *Cooperating agencies*: With this notice, the Commission is inviting

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.

³ *FPC v. Union Electric Co.*, 381 U.S. 90, 94–96 (1965).

⁴ 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)).

⁵ 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).

⁶ Arlon Warner November 7, 1983 Application, Docket No. P–7549. Accession No. 19831109–0247.

⁷ Arlon Warner January 13, 1986 Application, Docket No. P–9875. Accession No. 19860128–0173.