

i. *FERC Contact:* Sarah Florentino, Telephone (202) 502-6863, or e-mail [sarah.florentino@ferc.gov](mailto:sarah.florentino@ferc.gov). Additional information on Federal Energy Regulatory Commission (FERC) hydroelectric projects is available on FERC's Web site: <http://www.ferc.gov/industries/hydropower.asp>

j. The deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice (September 8, 2008) and reply comments are due 105 days from the issuance date of this notice (October 21, 2008).

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *Project description:* The existing King Mill Hydroelectric Project consists of: (1) Intake works consisting of a 50-foot-long, 15-foot-high headgate and intake structure; (2) primary and secondary steel trash racks; (3) a 200-foot-long, 40-foot-wide, concrete-lined, open flume head race; (4) a 435-foot-long, 30-foot-wide brick and masonry powerhouse; (5) two vertical shaft turbine/generator units with an installed capacity of 2.25 megawatts; (6) a 435-foot-long, 30-foot-wide, concrete-lined, open tailrace section which returns flows to the Augusta Canal; and (7) appurtenant facilities. There is no dam or impoundment, as approximately 881 cfs of water is withdrawn from the Augusta Canal when operating at full capacity. Developed head is approximately 32 feet. The estimated generation is 14,366 MWh annually. Nearly all generated power is utilized by the Standard Textile Plant, located

within the King Mill building, for textile production. No new facilities or changes in project operation are proposed.

m. A copy of the application is 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, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

*All filings must:* (1) Bear in all capital letters the title "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 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 e-mail 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.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8-16201 Filed 7-15-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Projects Nos. 13103-000 and 13104-000]

#### **Birch Power Company; BPUS Generation Development LLC; Notice of Competing Preliminary Permit Applications Accepted for Filing and Soliciting Comment, Motions To Intervene, and Competing Applications**

July 9, 2008.

On February 1, 2008, at 8:32 a.m. and 8:39 a.m. respectively, Birch Power Company (Birch Power) and BPUS Generation Development LLC (BPUS Generation) filed applications, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Coffeerville Lock and Dam Hydroelectric Project, to be located at the existing U.S. Army Corp of Engineers (Corps) Coffeerville Lock and Dam on the Tombigbee River in Choctaw and Clarke Counties, Alabama.

The proposed projects would use the existing Corps Coffeerville Lock and Dam and would respectively consist of, for Birch Power and BPUS Generation: (1) A proposed powerhouse containing several generating units having total installed capacities of 9.55 and 24 megawatts, (2) a proposed intake and tailrace, (3) a proposed transmission line, and (4) appurtenant facilities. The projects would, respectively, have an annual generation of 62 and 48 gigawatt-hours that would be sold to a local utility.

*Applicant Contact:* for Birch Power—Mr. Ted Sorenson, Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404; phone: 208-522-8069; for BPUS Generation—Mr. Jeffrey M. Auser, BPUS Generation Development LLC, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088; phone: 315-413-2700. FERC Contact: Tom Papsidero, 202-502-6002.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For

more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13103-000 or P-13104-000) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

Secretary.

[FR Doc. E8-16203 Filed 7-15-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 309-062]

#### Brookfield Power Piney & Deep Creek, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions

July 9, 2008.

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

- a. *Type of Application:* Amendment of License.
- b. *Project No.:* 309-062.
- c. *Date Filed:* January 22, 2008.
- d. *Applicant:* Brookfield Power Piney & Deep Creek, LLC.
- e. *Name of Project:* Piney Hydroelectric Project.
- f. *Location:* The project is located on the Clarion River, in Clarion County, Pennsylvania. The project does not occupy any federal lands.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contacts:* Mr. David Barnhart, West Virginia Production Center, P.O. Box 849, Gauley Bridge, WV 25085, (304) 981-6504, and Mr. Glen Neiport, Brookfield Power Piney & Deep Creek, LLC, Piney Station, 2000 River Road, Clarion, PA 16214, (814) 226-8630.
- i. *FERC Contact:* Kelly Houff, (202) 502-6393, and e-mail [Kelly.Houff@ferc.gov](mailto:Kelly.Houff@ferc.gov).
- j. *Deadline for filing comments, protests, motions to intervene, recommendations, preliminary terms and conditions, and fishway*

prescriptions is due 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-309-062) on any comments or motions filed.

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 in 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:* The existing licensed project consists of (1) A 784-foot-long and 125-foot-high concrete arch dam; (2) an 800-surface-acre reservoir, which operates at a minimum water surface elevation of 1,090 feet msl from June 21 through October 31, 1,085 feet msl from November 1 through March 31, and 1092.5 ± 0.5 feet msl from April 1 through June 20; (3) three 14-foot-diameter penstocks between 232 and 300 feet long; and (4) a powerhouse with three generating units totaling 29.08 megawatts installed capacity.

The licensee proposes to amend the license to implement the following: (1) To operate the reservoir on non-holiday weekdays from June 21 through October 31, between water surface elevations of 1,089 and 1,093 feet msl, a change from the current reservoir range of 1,090 and 1,093 feet msl. However, the licensee will maintain a minimum water surface elevation in the reservoir no lower than 1,090 feet msl, on weekends, where the weekend is defined as between 2400 hours on Friday through 2400 hours on Sunday. Additionally, the minimum reservoir surface elevation for the July 4 and Labor Day holidays shall be 1,090 feet msl, where the minimum reservoir level shall start at 1800 hours the day before the holiday and end on the holiday at 2400 hours; (2) repair, replace or extend the Mill Creek boat launch ramp as necessary so it can function at 1,089 feet; and (3) on the fifth anniversary date of the license, contribute \$100,000 to an interest-bearing account (recreational account), whose funds shall be used by the licensee to pay for recreational and boating access enhancements that are agreed upon as necessary by the Piney Lake Advisory Council. The additional one-foot drawdown will increase the

average annual generation at the project by approximately 675 megawatt hours per year.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the 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 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, call toll-free 1-866-208-3372 or e-mail [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.

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. 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.

Comments, protests, interventions, recommendations, terms and conditions, and fishway prescriptions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

o. *Filing and Service of Responsive Documents:* All filings must (1) Bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "FISHWAY PRESCRIPTIONS;" (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and