

Accordingly, his motion to intervene is denied.⁵

Under section 313(a) of the Federal Power Act, 16 U.S.C. 825l (2006), a request for rehearing may be filed only by a party to the proceeding. Pat Kelleher is not a party to this proceeding. Therefore, his request for rehearing is rejected.

This notice constitutes final agency action. Requests for rehearing by the Commission of this notice must be filed within 30 days of the date of issuance of this notice pursuant to section 313(a) of the FPA, 16 U.S.C. 825l (2006), and section 385.713 of the Commission's regulations, 18 CFR 385.713 (2012).

Dated: May 21, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013-12785 Filed 5-29-13; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13-64-000]

Exelon Generation Company, LLC; CER Generation II, LLC; Constellation Mystic Power, LLC; Constellation NewEnergy, Inc.; Constellation Power Source Generation, Inc.; Criterion Power Partners, LLC; Notice of Petition for Declaratory Order

Take notice that on May 16, 2013, pursuant to section 305(a) of the Federal Power Act (FPA), 16 USC 825d(a) and Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207, Exelon Generation Company, LLC, CER Generation II, LLC, Constellation Mystic Power, LLC, Constellation NewEnergy, Inc., Constellation Power Source Generation, Inc. and Criterion Power Partners, LLC (collectively, Petitioner) filed a petition for declaratory order requesting that the Commission declare that the payment of dividends, as more fully described in this petition, are not implicated by section 305(a) of the FPA.

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 Petitioner.

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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on June 17, 2013.

Dated: May 21, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013-12786 Filed 5-29-13; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13630-001]

Lewis County Development Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 2, 2013, the Lewis County Development Corporation (Lewis County Corp), filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Croghan Dam Hydroelectric Project (project) to be located at the existing Croghan Dam, on the Beaver River, in Lewis County, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder

priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) An existing concrete gravity dam structure consisting of an 11.5-foot-high by 120-foot-long section, and a 9.5-foot-high by 103-foot-long section; (2) an existing impoundment with a normal water surface elevation of 818 feet mean sea level extending 2.7 miles upstream; (3) a new 75-foot-long by 35-foot-wide powerhouse; (4) a new turbine generator unit with a total installed capacity of 500 kilowatts; (5) a new 13.2-kilovolt transmission line interconnecting with the National Grid; and (6) appurtenant facilities. The proposed project would operate in run-of-river mode and generate an estimated average annual generation of 1,387 megawatt-hours.

Applicant Contact: Larry Dolhof, Lewis County Development Corporation, P.O. Box 308, Lyons Falls, NY 13368, (315) 348-4066.

FERC Contact: Timothy Looney, (202) 502-6096.

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. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. 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 <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 or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/>

⁵ See *Alabama Power Co.*, 141 FERC ¶ 61,039 (2012); *Union Electric Co.*, 140 FERC ¶ 61,210 (2012); *Alabama Power Co.*, 140 FERC ¶ 61,037 (2012); *PPL Holtwood, LLC*, 140 FERC ¶ 61,038 (2012).