

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. EL21–78–000]

**PJM Interconnection, L.L.C.; Notice of Institution of Section 206 Proceeding and Refund Effective Date**

On June 17, 2021, the Commission issued an order in Docket No. EL21–78–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation into whether PJM Interconnection, L.L.C.’s Open Access Transmission Tariff and the Amended and Restated Operating Agreement are unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. *PJM Interconnection, L.L.C.*, 175 FERC ¶ 61,231 (2021).

The refund effective date in Docket No. EL21–78–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL21–78–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission’s Rules of Practice and Procedure, 18 CFR 385.214 (2020), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<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. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory

Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: June 21, 2021.

**Debbie-Anne A. Reese,**  
*Deputy Secretary.*

[FR Doc. 2021–13601 Filed 6–24–21; 8:45 am]

**BILLING CODE 6717–01–P****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 4334–017]

**EONY Generation Limited; Notice of Application Accepted for Filing and Soliciting 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. *Type of Application:* New Major License.

b. *Project No.:* 4334–017.

c. *Date filed:* January 28, 2021.

d. *Applicant:* EONY Generation Limited (EONY).

e. *Name of Project:* Philadelphia Hydroelectric Project.

f. *Location:* On the Indian River, in the Village of Philadelphia in Jefferson County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Franz Kropp, Director, Generation, EONY, 7659 Lyonsdale Road, Lyons Falls, NY 13368; (613) 225–0418, ext. 7498. Murray Hall, Manager, Generation, EONY, 7659 Lyonsdale Road, Lyons Falls, NY 13368; (613) 382–7312.

i. *FERC Contact:* Emily Carter at (202) 502–6512, or [Emily.Carter@ferc.gov](mailto:Emily.Carter@ferc.gov).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. 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, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal

Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4334–017.

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.

k. This application has been accepted but is not ready for environmental analysis at this time.

l. *Project Description:* The existing Philadelphia Hydroelectric Project consists of (1) a 65-acre reservoir at a normal maximum water surface elevation of 475.4 feet;<sup>1</sup> (2) two concrete dams joined by an island and designated as the east diversion dam, which is 60 feet long and 2 to 3 feet high with a crest elevation of 474.4 feet, and topped with 1.2-foot-high flashboards, and the west diversion dam, which has two sections totaling approximately 30 feet long and 10.4 feet high with a crest elevation of 475.4 feet; (3) a 45-foot-long non-overflow section that includes a reinforced concrete intake structure; (4) a 377-foot-long, 9.5-foot-diameter concrete penstock; (5) a 54.5-foot-long by 30-foot-wide reinforced concrete powerhouse; (6) one 3.645-megawatt horizontal Kaplan-type turbine-generator unit; (7) trashracks with 2.5-inch clear spacing; (8) a 4,160-volt, approximately 50-foot-long buried transmission line; (9) a switchyard; and (10) appurtenant facilities. The average annual generation was 10,092,492 kilowatt-hours for the period from 2016 to 2020.

EONY currently operates the project in run-of-river mode and discharges a minimum flow of 20 cubic feet per second (cfs) into the project’s 1,250-foot-long bypassed reach to project aquatic resources.

As part of the license application, EONY filed a settlement agreement on behalf of itself, the U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation. As part of the settlement

<sup>1</sup> All elevations are in National Geodetic Vertical Datum of 1929.

agreement, EONY proposes to: (1) Continue to operate the project in a run-of-river mode; (2) provide a minimum flow in the bypassed reach of 28 cfs;<sup>2</sup> (3) install seasonal trashracks with 1-inch spacing; (4) implement a Trashrack Operations and Maintenance Plan, a Bat and Eagle Protection Plan, an Invasive Species Management Plan, and an Impoundment Drawdown and Cofferdam Plan; and (5) implement several improvements to an existing fishing platform to make it accessible to persons with disabilities, including the addition of an accessible parking space, an associated access aisle and access route from the accessible parking space to the fishing platform, and modifications to the railing surrounding the fishing platform.

m. A copy of the application is available for review via 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 (P-4334). For assistance, contact FERC Online Support. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19) issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or (202) 502-8659 (TTY). In addition, the public portions of the application will be made available during regular business hours at two locations: (1) EONY's Lyonsdale, NY office located at 7659 Lyonsdale Road, Lyons Falls, New York 13368; and (2) Bodman Memorial Library located at 8 Aldrich Street, Philadelphia, New York 13673.

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. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests

<sup>2</sup> EONY determined that the proposed 28-cfs minimum flow would not result in incremental losses of generation compared to the current condition because the field measurement of the existing minimum flow was approximately 28 cfs, which accounted for flashboard leakage and was most likely present during the term of the existing license.

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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (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. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: June 21, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021-13600 Filed 6-24-21; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL21-2-000]

#### State Voluntary Agreements To Plan and Pay for Transmission Facilities

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Notice of policy statement.

**SUMMARY:** This policy statement addresses state efforts to develop transmission facilities through voluntary agreements to plan and pay for those facilities. We clarify that Voluntary Agreements are not categorically precluded by the Federal Power Act or the Commission's existing rules and regulations.

**DATES:** This policy statement is effective June 17, 2021.

#### FOR FURTHER INFORMATION CONTACT:

David Tobenkin (Technical Information), Office of Energy Policy and Innovation, (202) 502-6445, [david.tobenkin@ferc.gov](mailto:david.tobenkin@ferc.gov)

Lina Naik (Legal Information), Office of the General Counsel, (202) 502-8882, [lina.naik@ferc.gov](mailto:lina.naik@ferc.gov)

Jay Sher (Technical Information), Office of Energy Market Regulation, (202) 502-8921, [jay.sher@ferc.gov](mailto:jay.sher@ferc.gov)

**SUPPLEMENTARY INFORMATION:**

1. This policy statement addresses state efforts to develop transmission facilities through voluntary agreements to plan and pay for those facilities (Voluntary Agreements). Voluntary Agreements include agreements among: (1) Two or more states; (2) one or more states and one or more public utility transmission providers; or (3) two or more public utility transmission providers. We clarify that Voluntary Agreements are not categorically precluded by the Federal Power Act (FPA)<sup>1</sup> or the Commission's existing rules and regulations, and encourage interested parties considering the use of such agreements to consult with Commission staff. To the extent that states, public utility transmission providers, or other stakeholders believe that the relevant tariffs impose barriers to Voluntary Agreements, the Commission is open to filings to remove or otherwise address those barriers.

2. Developing cost-effective and reliable transmission facilities remains a priority of this Commission.<sup>2</sup> Voluntary Agreements can further those goals by, for example, providing states with a way to prioritize, plan, and pay for transmission facilities that, for whatever reason, are not being developed pursuant to the regional transmission planning processes required by Order No. 1000.<sup>3</sup> In addition, in some cases, Voluntary Agreements may allow state-prioritized transmission facilities to be planned and built more quickly than would comparable facilities that are

<sup>1</sup> 16 U.S.C. 791a *et seq.*

<sup>2</sup> See *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 76 FR 49842 (Aug. 11, 2011), 136 FERC ¶ 61,051, at P 2 (2011), *order on reh'g and clarification*, Order No. 1000-A, 77 FR 32184 (May 31, 2012), 139 FERC ¶ 61,132, *order on reh'g and clarification*, Order No. 1000-B, 77 FR 64890 (Oct. 24, 2012), 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014) (instituting reforms to ensure more efficient and cost-effective regional transmission planning); see also *Elec. Transmission Incentives Pol'y Under Section 219 of the Federal Power Act*, 170 FERC ¶ 61,204, at P 31 (2020) (Transmission Incentives NOPR) (noting "FPA section 219(a) requires that the Commission provide incentive-based rates for electric transmission for the purpose of benefitting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion"). The Commission noted in the Transmission Incentives NOPR that there is a need for existing and new transmission facilities to help facilitate integration of a variety of types of resources. Transmission Incentives NOPR, 170 FERC ¶ 61,204 at P 28.

<sup>3</sup> Order No. 1000, 136 FERC ¶ 61,051 at P 146. Order No. 1000 established rules and regulations addressing, among other things, regional transmission planning, interregional transmission coordination, and cost allocation methods for new transmission facilities. This includes requiring each public utility transmission provider to participate in a regional transmission planning process that produces a regional transmission plan and complies with certain transmission planning principles.