

*Capacity-Market-Forum@ferc.gov*. Each nomination should state the proposed panelist's name, contact information, organizational affiliation, and what topics the proposed panelist would like to speak on.

The workshop will be open to the public and there is no fee for attendance. Information will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov*, prior to the event.

The forum will be transcribed and webcast. Transcripts will be available for a fee from Ace Reporting (202-347-3700). A free webcast of this event is available through the Commission's website. Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The Federal Energy Regulatory Commission provides technical support for the free webcasts. Please call (202) 502-8680 or email *customer@ferc.gov* if you have any questions.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov*, call toll-free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For more information about this workshop, please contact Katherine Scott at *katherine.scott@ferc.gov* or (202) 502-6495. For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502-8368.

Dated: April 19, 2023.

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

[FR Doc. 2023-08741 Filed 4-25-23; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 5867-054]

#### Alice Falls Hydro, LLC; Notice of Waiver Period for Water Quality Certification Application

(April 19, 2023)

On April 13, 2023, Alice Falls Hydro, LLC submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the New York State Department of Environmental

Conservation (New York DEC), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 4.34(b)(5) of the Commission's regulations,<sup>1</sup> we hereby notify New York DEC of the following:

*Date of Receipt of the Certification Request:* April 12, 2023.

*Reasonable Period of Time to Act on the Certification Request:* One year (April 12, 2024).

If New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: April 19, 2023.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 3409-036]

#### Boyne USA, Inc.; Notice of Application 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:* Temporary variance of license requirement.

b. *Project No.:* 3409-036.

c. *Date Filed:* April 17, 2023.

d. *Applicant:* Boyne USA, Inc.

e. *Name of Project:* Boyne River Hydroelectric Project.

f. *Location:* The project is located on the Boyne River in Charlevoix County, Michigan and does not occupy Federal lands.

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

h. *Applicant Contact:* Tyler Prange, Area Manager, Boyne Mountain Resort, Boyne USA, Inc. (231) 549-6076, *Tyler.prange@boynemountain.com*.

i. *FERC Contact:* Brian Bartos, (202) 502-6679, *brian.bartos@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests is* May 19, 2023.

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*. 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 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, MD 20852. The first page of any filing should include docket number P-3409-036. 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.

k. *Description of Request:* The licensee requests Commission approval, through December 31, 2023, for a temporary variance of the run of river (ROR) requirements at the Boyne Project, as required by Article 25 of the amended project license. The licensee is requesting the variance to perform an 11-foot drawdown of the project reservoir in order to complete necessary maintenance of the hydropower generation system, maintenance of the intake canal, and work to the left embankment to bring factors of safety into compliance with the Commission's guidelines. The temporary variance from ROR requirements would only be necessary during the drawdown and refill periods; ROR operation would be maintained in between. The licensee anticipates the drawdown process to take approximately one month and would initiate drawdown after May 15, 2023. The proposed refill of the impoundment would occur over a period of two weeks in late summer or late fall of 2023 and would maintain a

<sup>1</sup> 18 CFR 4.34(b)(5).

minimum release equivalent to the 95 percent exceedance flow (approximately 30 cubic feet per second). Additionally, the licensee provided a mitigation plan in its application for potentially stranded organisms, including mussels, for all bottomlands exposed during the drawdown, as well as proposed measures to protect endangered species potentially occurring at the project, per resource agency recommendations.

l. *Locations of the Application:* 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 website at <http://www.ferc.gov/docs-filing/elibrary.asp>. 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. Agencies may obtain copies of the application directly from the applicant. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (866) 208-3676 or TTY, (202) 502-8659.

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.

o. *Filing and Service of Responsive Documents:* All filings 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 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. A copy of all other filings in reference to this application 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 385.2010.

Dated: April 19, 2023.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RM16-17-001, ER21-331-000, ER21-330-000]

#### Data Collection for Analytics and Surveillance and Market-Based Rate Purposes, DDP Specialty Electronic Materials US, Inc., MC (US) 3, LLC; Order on Intent To Revoke Market-Based Rate Authority

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and 18 CFR part 35 (2022), require, among other things, that all rates, terms, and conditions for jurisdictional services be filed with the Commission. In Order No. 697 and its progeny,<sup>1</sup> the Commission established certain requirements with which sellers<sup>2</sup> must comply in order to obtain and retain market-based rate authority.<sup>3</sup>

In Order No. 860,<sup>4</sup> the Commission revised certain aspects of the substance and format of the ownership information sellers must submit in order to obtain or retain market-based rate authority. Specifically, Order No. 860 requires that, as part of its market-based rate application or baseline submission, a seller must identify its ultimate

<sup>1</sup> *Mkt.-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295 *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, 125 FERC ¶ 61,326 (2008), *order on reh'g*, Order No. 697-C, 127 FERC ¶ 61,284 (2009), *order on reh'g*, Order No. 697-D, 130 FERC ¶ 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011).

<sup>2</sup> A "seller" is defined as any person that has authorization to or seeks authorization to engage in sales for resale of electric energy, capacity or ancillary services at market-based rates under section 205 of the FPA. 18 CFR 35.36(a)(1) (2022); 16 U.S.C. 824d. Each seller is a public utility under section 205 of the FPA. 16 U.S.C. 824.

<sup>3</sup> Order No. 697, 119 FERC ¶ 61,295 at n.258.

<sup>4</sup> *Data Collection for Analytics & Surveillance and Mkt.-Based Rate Purposes*, Order No. 860, 168 FERC ¶ 61,039 (2019), *order on reh'g*, Order No. 860-A, 170 FERC ¶ 61,129 (2020).

upstream affiliate(s) through a new relational database.<sup>5</sup>

2. In accordance with Order No. 860, as modified by Order No. 860-A, the Order Adopting Revisions to Information Collection,<sup>6</sup> and the Notice of Extension of Time,<sup>7</sup> each seller with a market-based rate tariff on file with the Commission was required to make a baseline submission to the market-based rate relational database by February 1, 2022.<sup>8</sup> Commission staff's review of the baseline submissions to the market-based rate relational database indicates that the sellers with market-based rate authorization listed in the caption of this order failed to file their baseline submissions. This order notifies these sellers that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the date of issuance of this order.<sup>9</sup>

3. To comply with the Commission's requirements, the above-captioned sellers must file their baseline submissions to the market-based rate relational database consistent with the procedures set forth in Order Nos. 860, 860-A, and the Order Adopting Revisions to Information Collection.

4. In the event any of the above-captioned sellers have already submitted their baseline submissions in compliance with the Commission's requirements, their inclusion herein is inadvertent. Such sellers are directed to make a filing with the Commission, within 15 days of the date of issuance of this order, to identify themselves and provide details about their prior submissions to establish that they

<sup>5</sup> Order No. 860, 168 FERC ¶ 61,039 at P 121.

<sup>6</sup> *Data Collection for Analytics & Surveillance and Mkt.-Based Rate Purposes*, 176 FERC ¶ 61,109 (2021) (Order Adopting Revisions to Information Collection).

<sup>7</sup> *Data Collection for Analytics and Surveillance and Mkt.-Based Rate Purposes*, Notice of Extension of Time, Docket No. RM16-17-000 (Oct. 22, 2021).

<sup>8</sup> A baseline submission consists of "market-based rate information," which includes (a) seller category status for each region in which the seller has market-based rate authority, (b) each market in which the seller is authorized to sell ancillary services at market-based rates, (c) mitigation, if any, and (d) whether the seller has limited the regions in which it has market-based rate authority. A baseline submission also consists of "market-based rate ownership information," which includes ultimate upstream affiliates; and affiliate owners with franchised service areas, market-based rate authority, or that directly own or control generation; transmission, intrastate natural gas transportation, storage or distribution facilities, physical coal supply sources or ownership of or control over who may access transportation of coal supplies, and asset appendix information. Order No. 860, 168 FERC ¶ 61,039 at P 185.

<sup>9</sup> Commission staff contacted or attempted to contact the sellers to remind them of their regulatory obligations. Despite these reminders, however, the sellers listed in the caption of this order have not met these obligations.