

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. IC10-730-000]****Commission Information Collection Activities (Ferc-730); Comment Request; Extension**

November 10, 2009.

**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Notice of proposed information collection and request for comments.

**SUMMARY:** In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A) (2006), (Pub. L. 104-13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed information collection described below.

**DATES:** Comments in consideration of the collection of information are due January 22, 2010.

**ADDRESSES:** Comments may be filed either electronically (eFiled) or in paper format, and should refer to Docket No. IC10-730-000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at <http://www.ferc.gov/help/submission-guide.asp>. eFiling instructions are available at: <http://www.ferc.gov/docs-filing/efiling.asp>. First time users must follow eRegister instructions at: <http://www.ferc.gov/docs-filing/eregistration.asp>, to establish a user name and password before eFiling. The Commission will send an automatic

acknowledgement to the sender's e-mail address upon receipt of eFiled comments. Commenters making an eFiling should not make a paper filing. Commenters that are not able to file electronically must send an original and two (2) paper copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at <http://www.ferc.gov/docs-filing/esubscription.asp>. In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at: <http://www.ferc.gov/docs-filing/elibrary.asp>, by searching on Docket No. IC10-730. For user assistance, contact FERC Online Support by e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone, toll-free, at: (866) 208-3676, or (202) 502-8659 for TTY.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Brown may be reached by telephone at (202) 502-8663, by fax at (202) 273-0873, and by e-mail at [ellen.brown@ferc.gov](mailto:ellen.brown@ferc.gov).

**SUPPLEMENTARY INFORMATION:** The FERC-730, "Report of Transmission Investment Activity," (OMB Control No. 1902-0239) is filed by public utilities that have been granted incentive rate treatment for specific electric transmission projects. Filing requirements are specified in 18 CFR 35.35(h). Actual and planned transmission investments, and related project data for the most recent calendar year and the subsequent five years, must

be reported annually beginning with the calendar year that the Commission granted the incentive rates.

Congress enacted section 1241 of the Energy Policy Act of 2005 (EPAct 2005), adding a new section 219 to the Federal Power Act (FPA), to promote the operation, maintenance and enhancement of electric transmission infrastructure.<sup>1</sup> Congress aimed to benefit consumers by ensuring reliability and/or reducing the cost of delivered power through reducing transmission congestion. In response to EPAct 2005, in Docket No. RM06-4, the Commission amended its regulations to allow for these incentive-based, (including performance-based), rate treatments.

Through Docket No. RM06-4, the Commission amended its regulations in 18 CFR 35.35 to identify the incentive ratemaking treatments allowed under FPA section 219. Incentives are required to be tailored to the type of transmission investments being made, and each applicant must demonstrate that its proposal meets the requirements of FPA section 219.

The Commission needs the information filed under FERC-730 to provide a basis for determining the effectiveness of the new rules and regulations and to provide an accurate assessment of the state of the industry with respect to transmission investment.

**Action:** The Commission is requesting a three-year extension of the current FERC-730 reporting requirements, with no change.

**Burden Statement:** The estimated, annual public reporting burden for FERC-730 follows.<sup>2</sup>

FERC information collection	Annual number of respondents	Average number of responses per respondent	Average burden hours per response	Total annual burden hours
	(1)	(2)	(3)	(1)x(2)x(3)
FERC-730 .....	20	1	30	600

The total estimated annual cost burden to respondents is \$37,008.75 (600 hours/2,080 hours<sup>3</sup> per year, times \$128,297<sup>4</sup> equals \$37,008.75).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and

utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and

reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for

<sup>1</sup> Energy Policy Act of 2005, Public Law 109-58, 119 Stat. 594, 315 and 1283 (2005).

<sup>2</sup> The number of expected annual responses was overestimated in the Final Rule in Docket No.

RM06-4. The figures here represent a significant reduction in the number of estimated annual responses (20 responses, rather than the previous estimate of 200 responses), and the corresponding

associated estimates for total industry burden and cost.

<sup>3</sup> Number of hours an employee works each year.

<sup>4</sup> Average annual salary per employee.

information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13011-001]

#### **Shelbyville Hydro LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, Commencement of Licensing Proceeding, Scoping Meetings, Solicitation of Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests**

November 9, 2009.

a. *Type of Filing:* Notice of Intent to File License Application and Commencing Licensing Proceeding.

b. *Project No.:* 13011-001.

c. *Dated Filed:* September 8, 2009.

d. *Submitted By:* Shelbyville Hydro LLC.

e. *Name of Project:* Lake Shelbyville Dam Hydroelectric Project.

f. *Location:* At the Corps of Engineers' Lake Shelbyville Dam on the Kaskaskia River in Shelby County, Illinois.

g. *Filed Pursuant to:* 18 CFR Part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Brent Smith, COO, Symbiotics, LLC, P.O. Box 535, Rigby, Idaho 83442 at (208) 745-

0834 or e-mail at [brent.smith@symbioticsenergy.com](mailto:brent.smith@symbioticsenergy.com) or Corrine Servis, at (208) 745-0834 or e-mail

[corrine.servis@symbioticsenergy.com](mailto:corrine.servis@symbioticsenergy.com).

i. *FERC Contact:* John Baummer, [john.baummer@ferc.gov](mailto:john.baummer@ferc.gov), (202) 502-6837.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See*, 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR Part 402; and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Shelbyville Hydro LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, and section 106 of the National Historic Preservation Act.

m. Shelbyville Hydro LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission pursuant to 18 CFR 5.5 of the Commission's regulations. The Commission will issue the Scoping Document for the proposed Lake Shelbyville Dam Hydroelectric Project on or about November 9, 2009.

n. A copy of the PAD and the scoping document are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<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 paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-

mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD filed September 8, 2009 and Scoping Document, as well as study requests. All comments on the PAD and Scoping Document, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and Scoping Document, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application (original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name (Lake Shelbyville Dam Hydroelectric Project) and number (P-13011-001), and bear the heading Comments on Pre-Application Document, Study Requests, Comments on Scoping Document, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or Scoping Document, and any agency requesting cooperating status must do so by January 6, 2010.

Comments on the PAD and Scoping Document, study requests, requests for cooperating agency status, and other permissible forms of communications with the Commission 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/docs-filing/ferconline.asp>) under the e-filing link. For a simpler method of submitting text only comments, click on "Quick Comment."

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

#### **Scoping Meetings**

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization