

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

| Statutory provision                       | Description                                                                                                                                                                                                                                                                        | Satisfies (Y/N) |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| FPA 30(a)(3)(A), as amended by HREA ..... | The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity. | Y               |
| FPA 30(a)(3)(C)(i), as amended by HREA .. | The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.                                                                                          | Y               |
| FPA 30(a)(3)(C)(ii), as amended by HREA   | The facility has an installed capacity that does not exceed 5 megawatts .....                                                                                                                                                                                                      | Y               |
| FPA 30(a)(3)(C)(iii), as amended by HREA  | On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.                                                                                                                                                       | Y               |

*Preliminary Determination:* The proposed addition of the hydroelectric project to the Thoreson Family Ranch’s existing irrigation conduit will not alter its primary purpose of distributing water for irrigation. Thoreson Family Ranch proposes to continue using the conduit, as it has historically, to irrigate fields during July, August, and September. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

*Comments and Motions to Intervene:* Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

*Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the “COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY” or “MOTION TO INTERVENE,” as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission’s regulations.<sup>1</sup> All comments contesting Commission staff’s

preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments 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](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. 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 18 CFR 4.34(b) and 385.2010.

*Locations of Notice of Intent:* Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Web at <http://www.ferc.gov/docs-filing/elibrary.asp> using the “eLibrary” link. Enter the docket number (*i.e.*, CD16–5) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502–8659.

Dated: January 20, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016–01461 Filed 1–25–16; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 12646–014]

**City of Broken Bow, Oklahoma; Notice of Application Accepted for Filing, 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. *Type of Proceeding:* Surrender of License.

b. *Project No.:* 12646–014.

c. *Date Filed:* December 21, 2015.

d. *Licensee:* City of Broken Bow, Oklahoma.

e. *Name of Project:* Pine Creek Lake Dam Hydropower Project.

f. *Location:* The unconstructed project was licensed to be located at the U.S. Army Corps of Engineers Pine Creek Lake Dam on the Little River, near the town of Broken Bow, McCurtain County, Oklahoma.

g. *Filed Pursuant to:* 18 CFR 6.2.

h. *Licensee Contact:* Ms. Vickie Pieratt, City of Broken Bow, 210 North Broadway, Broken Bow, Oklahoma 74728, Telephone: 580–584–2285.

i. *FERC Contact:* Jennifer Polardino, (202) 502–6437, [Jennifer.Polarдино@ferc.gov](mailto:Jennifer.Polarдино@ferc.gov).

j. Deadline for filing comments, interventions and protests is 30 days from the issuance date of this notice. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using

<sup>1</sup> 18 CFR 385.2001–2005 (2015).

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](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-12646-014.

k. *Description of Project Facilities:* The unconstructed project is authorized to be located on the downstream side of the U.S. Army Corps of Engineers Pine Creek Lake Dam. The project license approved the following new facilities: (1) a 130-foot-wide by 23-foot-long outlet structure connecting to an existing 13-foot-diameter outlet conduit; (2) a steel liner inside the 13-foot-diameter outlet conduit; (3) a 112-foot-wide by 73-foot-long powerhouse containing two generating units having a total installed capacity of 6.4 megawatts; (4) a tailrace returning flows to the Little River; (5) a 0.7-mile-long, 14.4-kilovolt (kV) primary transmission; and (6) appurtenant facilities.

l. *Description of Proceeding:* On December 21, 2015, the City of Broken Bow, Oklahoma filed an application to surrender the license for the unconstructed Pine Creek Lake Dam Hydropower Project. In its filing, the licensee states the project is not financially feasible or constructible because it is unable to enter into a power sales agreement to sell project energy.

m. This filing may be viewed on the Commission's Web site 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. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371.

n. Individuals desiring to be included on the Commission's mailing list should

so indicate by writing to the Secretary of the Commission.

o. *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, .212 and .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.

p. *Filing and Service of Responsive Documents:* Any filing 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 and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. 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. If an intervener 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. 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 18 CFR 4.34(b) and 385.2010.

q. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: January 20, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12470-010]

#### City of Broken Bow, Oklahoma; Notice of Application Accepted for Filing, 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. *Type of Proceeding:* Surrender of License.

b. *Project No.:* 12470-010.

c. *Date Filed:* December 21, 2015.

d. *Licensee:* City of Broken Bow, Oklahoma.

e. *Name of Project:* Broken Bow Re-regulation Dam Hydropower Project.

f. *Location:* The unconstructed project was licensed to be located at the U.S. Army Corps of Engineers Broken Bow Re-regulation Dam on the Little River, near the town of Broken Bow, McCurtain County, Oklahoma.

g. *Filed Pursuant to:* 18 CFR 6.2.

h. *Licensee Contact:* Mr. Larry Bachman, City of Broken Bow, 210 North Broadway, Broken Bow, Oklahoma 74728, Telephone: 580-584-2285.

i. *FERC Contact:* Jennifer Polardino, (202) 502-6437, [Jennifer.Polarдино@ferc.gov](mailto:Jennifer.Polarдино@ferc.gov).

j. *Deadline for filing comments, interventions and protests is 30 days from the issuance date of this notice.* The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments 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](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.