

*Applicants:* Midcontinent Independent System Operator, Inc., Dairyland Power Cooperative.

*Description:* Midcontinent Independent System Operator, Inc. submits 2013–10–16 Dairyland Attachment O and GG filing to be effective 1/1/2014.

*Filed Date:* 10/16/13.

*Accession Number:* 20131016–5031.

*Comments Due:* 5 p.m. ET 11/6/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2013..

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

*Deputy Secretary.*

[FR Doc. 2013–24825 Filed 10–22–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD14–1–000]

#### Notice Announcing Workshop; Zero Rate Reactive Power Rate Schedules

Concurrent with this notice, the Commission is issuing an order in

*Chehalis Power Generating, L.P.*, Docket No. ER05–1056–007 clarifying its policy related to jurisdictional reactive power rate schedules.<sup>1</sup> In that order, the Commission finds that, on a prospective basis, for any jurisdictional reactive power service (including within-the-deadband reactive power service) provided by both new and existing generators, the rates, terms, and conditions for such service must be pursuant to a rate schedule on file with the Commission, even when that rate schedule provides no compensation for such service. As set forth in that order, the Commission directed staff to conduct a workshop, in a generic proceeding, to explore the mechanics of public utilities filing reactive power rate schedules for which there is no compensation.

Take notice that the Commission intends to hold a staff-led workshop open to the public at a time and date to be announced to explore the process for filing reactive power rate schedules for which there is no compensation. A subsequent notice will be issued in this docket setting forth the details of the workshop.

Dated: October 17, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–24740 Filed 10–22–13; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CD14–2–000]

#### Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene; Orchard City, Colorado

On October 7, 2013, Orchard City, Colorado (Orchard City) filed a notice of

intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act, as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The 22 kW Orchard City Water Treatment Plant Hydroelectric Project would utilize Orchard City's water intake pipeline that delivers water to its water treatment plant, and it would be located in Delta County, Colorado.

*Applicant Contact:* Mike Morgan, Orchard City Public Work, 9661 2100 Austin Road, Austin, CO 81410, Phone No. (970) 314–1515.

*FERC Contact:* Robert Bell, Phone No. (202) 502–6062, email: [robert.bell@ferc.gov](mailto:robert.bell@ferc.gov).

*Qualifying Conduit Hydropower Facility Description:* The proposed project would consist of: (1) A new “y” pipe intake off the existing 10-inch diameter water supply pipeline; (2) a new 12-foot-long, 10-inch diameter intake pipe; (3) a new powerhouse containing one new 22-kilowatt generating unit; (4) a new, 6-foot-long, 10-inch diameter exit pipeline discharging water into an existing 10-inch water supply pipeline; and (5) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 190 megawatt-hours.

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

<i>Statutory provision</i>	<i>Description</i>	<i>Satisfies (Y/N)</i>
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

<sup>1</sup> *Chehalis Power Generating, L.P.*, 145 FERC ¶ 61,052 (2013).

**Preliminary Determination:** Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility 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 (e.g., CD14-2-000) 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: October 16, 2013.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2013-24739 Filed 10-22-13; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER05-1056-007]

#### Order on Voluntary Remand and Clarifying Policy on Filing of Reactive Power Service Rate Schedules; Chehalis Power Generating, L.P.

Before Commissioners: Jon Wellmehoff, Chairman; Philip D. Moeller, John R. Norris, Cheryl A. LaFleur, and Tony Clark.

1. This case is before the Commission on voluntary remand from the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). Below, the Commission continues to affirm its finding that the rate schedule Chehalis Power Generating L.P.<sup>1</sup> (Chehalis) proposed for supplying Reactive Supply and Voltage Control from Generation Sources Service (reactive power) to the Bonneville Power Administration (Bonneville or BPA) is a changed rate subject to the suspension and refund provisions of section 205(e) of the Federal Power Act

<sup>1</sup> On October 20, 2010, TNA Merchant Projects, Inc. (TNA) filed a motion with the Commission to substitute itself for Chehalis. In appeal proceeding No. 08-1201, the D.C. Circuit granted a similar motion and substituted TNA as petitioner in place of Chehalis because TNA owned all the equity interests in Chehalis at the time Chehalis filed its petition for review, and while TNA sold the equity interests, it nevertheless retained the rights to the claims made in this proceeding. For consistency with the Commission's earlier orders and the parties' pleadings, the D.C. Circuit continued to refer to the petitioner as "Chehalis." *TNA Merchant Projects v. FERC*, 616 F.3d 588, 589 n.1 (D.C. Cir. 2010) (*TNA Merchants Projects*). We will also refer to the petitioner, TNA, as "Chehalis."

(FPA).<sup>2</sup> However, the Commission clarifies its policy related to jurisdictional reactive power rate schedules for which there is no compensation, requiring that such rate schedules containing the rates, terms, and conditions for reactive power service be filed with the Commission on a prospective basis. This policy will ensure that ratepayers are protected from, *inter alia*, excessive rates, as the Commission will have the ability to suspend and refund any changed rates upon filing.

### I. Background

2. On May 31, 2005, Chehalis submitted a proposed rate schedule to the Commission setting forth proposed rates for Chehalis's provision of reactive power to Bonneville. Chehalis denominated the rate as "initial" stating that "[t]he reactive power service that is the subject of the submitted rates is a new service offered by Chehalis in that it has never sought to charge for this service before."<sup>3</sup>

3. On July 27, 2005, the Commission accepted Chehalis's reactive power rate schedule, suspended it for a nominal period, made it effective subject to refund, and established hearing and settlement judge procedures.<sup>4</sup> In that order, the Commission found that the reactive power rate schedule was not an initial rate, because "[a]n initial rate must involve a new customer and a new service."<sup>5</sup> The Commission stated that "Chehalis has been providing reactive power to BPA pursuant to an interconnection agreement, albeit without charge. Thus, the proposed rates for reactive power in the instant proceeding are not initial rates, but are changed rates."<sup>6</sup>

4. On December 15, 2005, the Commission denied Chehalis's rehearing request. The Commission explained that its well-settled precedent established that an initial rate is a rate for a new service to a new customer.<sup>7</sup> Finding that Chehalis had already been providing reactive power to Bonneville, the Commission denied rehearing and explained that Chehalis was not providing a new service to a new customer.<sup>8</sup>

<sup>2</sup> 16 U.S.C. 824d(e) (2006).

<sup>3</sup> Chehalis May 31, 2005 Filing Letter at 6.

<sup>4</sup> *Chehalis Power Generating, L.P.*, 112 FERC ¶ 61,144, at PP 1, 21 (2005).

<sup>5</sup> *Id.* P 23.

<sup>6</sup> *Id.*

<sup>7</sup> *Chehalis Power Generating, L.P.*, 113 FERC ¶ 61,259, at P 11 (2005); *accord id.* PP 13-15.

<sup>8</sup> *Id.* PP 11-12.

<sup>1</sup> 18 CFR 385.2001-2005 (2013).