

fishway about 8 feet wide; (2) earth embankment at each end (total length approximately 400 feet); (3) a reservoir (the portion of Spednick Lake within the United States); and (4) appurtenant facilities.

The existing West Branch Project (P-2618) consists of:

(A) West Grand Lake development: (1) West Grand Lake Dam, earth embankment and gravel-filled timber crib structure, 485 feet long and 13 feet high, containing a gated spillway structure, 77 feet wide with 5 gates and a fish passage facility 24 feet wide; (2) a reservoir with surface area of 23.825 acres at elevation 301.43 feet m.s.l. and storage capacity of 160,000 acre-feet; and (3) other appurtenances; and

(B) Sysladobsis Lake development: (1) Sysladobsis Lake Dam, an earth embankment structure, 250 feet long and 5.5 feet high, with a concrete cut-off wall and rock masonry downstream face, containing a gated spillway structure 23 feet wide with 2 gates, and a fish passage facility 7 feet wide; (2) a reservoir with surface area of 5,400 acres at elevation 305.62 feet m.s.l., and storage capacity of 25,000 acre-feet; and (3) other appurtenances.

The above-referenced reservoirs supply water to three downstream generating facilities: Grand Falls, Woodland, and Milltown. These three generating facilities do not require licensing by the Commission because they were authorized by a 1916 Act of Congress that predated the 1920 enactment of what is now part I of the Federal Power Act. The issue raised by Domtar Maine LLC's petition is whether the above-referenced storage reservoirs are required to be licensed under section 23(b)(1) of the Federal Power Act. Domtar Maine LLC states that the projects are not required to be licensed because they contribute only a *de minimis* amount to power generated at the downstream generating projects, and they are not connected to a FERC-licensed project.

When a Petition for Declaratory Order is filed with the Commission, requesting a jurisdictional determination for an existing project, a review is begun to determine if the interests of interstate or foreign commerce are affected by the project. The Commission also determines whether or not the project: (1) Is located on a navigable waterway; (2) is occupying or affecting public lands or reservations of the United States; (3) is utilizing surplus water or water power from a government dam; or (4) if applicable, has undertaken any construction subsequent to 1935 that may have increased the project's head or generating capacity, or has otherwise

significantly modified the project's pre-1935 design or operation.

1. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

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*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR10-11-000]

#### ECOP Gas Company, LLC; Notice of Petition for Rate Approval

March 25, 2010.

Take notice that on March 18, 2010, ECOP Gas Company, LLC (ECOP) filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations, and its initial Statement of Operating Conditions. ECOP states that it is an intrastate pipeline, within the meaning of sections 2(16) and 311(a)(2) of the Natural Gas Policy Act of 1978. ECOP's proposed interruptible interstate transportation rate is \$0.0772 per Dth.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public

Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern time on Friday, April 9, 2010.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-7300 Filed 3-31-10; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Records Governing Off-the-Record Communications; Public Notice

March 26, 2010.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as

having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP09-35-000 .....	3-22-10	Leslie and Dick Marchant.
2. CP09-54-000 .....	3-22-10	James J. Cleary.
3. CP09-54-000 .....	3-22-10	Marjorie Sill.
Exempt:		
1. CP09-54-000 .....	3-4-10	Hon. Michael B. Enzi.
2. P-739-022 .....	3-12-10	Brenda Winn.
3. P-2677-019 .....	3-24-10	Nicholas J. Utrup.
4. P-13266-000, <i>et al.</i> .....	3-22-10	Philip T. Feir.
5. P-13641-000 .....	3-10-10	Joe Nungaray.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-7305 Filed 3-31-10; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR10-8-000]

#### Whiting Oil and Gas Corporation; Notice of Request for Temporary Waiver of Tariff Filing and Reporting Requirements

March 26, 2010.

Take notice that on February 23, 2010, Whiting Oil and Gas Corporation (Whiting) tendered for filing an application for temporary waiver of the

filing and reporting requirements of section 6 and section 20 of the Interstate Commerce Act.

Whiting states that its pipeline is a small crude oil gathering line connecting wells in the Sanish Field in North Dakota to a delivery point to Nexen Pipeline USA, Inc. at the Robinson Lake Plant in Montrail County, North Dakota. Whiting further states that it owns 100 percent of the throughput gathered on the pipeline. Whiting also states that there are no intermediate points on the pipeline and that no third party has requested the construction of any such intermediate point or otherwise expressed interest in becoming a shipper on the pipeline.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the