

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.

Magalie R. Salas,  
Secretary.

[FR Doc. E5-2 Filed 1-5-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Applications Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

December 30, 2004.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Applications:* Preliminary permit (competing).

b. *Applicants, Project Numbers, and Dates Filed:* Birch Power Company filed the application for Project No. 12536-000 on September 9, 2004.

Hydrodynamics, LLC filed the application for Project No. 12547-000 on September 22, 2004.

c. Name of the project is Mill Coulee Lower Project. The project would be located on the Mill Coulee Canal in Cascade County, Montana. It would use the U.S. Bureau of Reclamation's existing Greenfield Irrigation District canal system.

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

e. *Applicants Contacts:* For Birch Power Company: Mr. Ted Sorenson, Birch Power Company, 5203 South 11th Avenue E, Idaho Falls, ID 83404, (208) 522-8069. For Hydrodynamics, LLC: Mr. Roger Kirk, Hydrodynamics, LLC, P.O. Box 1136, Bozeman, MT 59771-1136, (406) 587-5086.

f. *FERC Contact:* Robert Bell, (202) 502-6062.

g. *Deadline for Filing Comments, Protests, and Motions to Intervene:* 60 days from the issuance date of this notice.

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 in 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.

h. *Description of Projects:* The project proposed by Birch Power Company would use the irrigation Canal system owned by the Greenfield Irrigation District and operate in a run-of-river mode and would consist of: (1) A Diversion structure, crest elevation of 3,893 feet, on the Mill Coulee Canal, (2) a proposed 480-foot-long, 54-inch-diameter penstock, (3) a proposed powerhouse containing one generating unit with a total installed capacity of 370 kilowatts, (4) a proposed ¼-mile-long, 69-KV transmission line; and (5) appurtenant facilities. The Birch Power Company project would have an average annual generation of 1.6 gigawatt-hours.

The project proposed by Hydrodynamics, LLC would use the irrigation Canal system owned by the Greenfield Irrigation District and operate in a run-of-river mode and would consist of (1) a Diversion structure, crest elevation of 3,893 feet, on the Mill Coulee Canal, (2) a proposed 480-foot-long, 54-inch-diameter penstock, (3) a proposed powerhouse containing one generating unit with a total installed capacity of 370 kilowatts, (4) a proposed ¼-mile-long, 69-KV transmission line; and (5) appurtenant facilities. The Hydrodynamics, LLC project would have an average annual generation of 1.6 gigawatt-hours.

i. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also 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 1-866-208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

j. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

k. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit

application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

l. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

m. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

n. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

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, .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.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR

385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

p. *Filing and Service of Responsive Documents*: Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

q. *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.

Magalie R. Salas,

Secretary.

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b. *Applicants, Project Numbers, and Dates Filed*: Birch Power Company filed the application for Project No. 12537-000 on September 9, 2004.

Hydrodynamics, LLC filed the application for Project No. 12546-000 on September 22, 2004.

c. Name of the project is Mill Coulee Upper Project. The project would be located on the Mill Coulee Canal in Cascade County, Montana. It would use the U.S. Bureau of Reclamation's

existing Greenfield Irrigation District canal system.

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

e. *Applicants Contacts*: For Birch Power Company: Mr. Ted Sorenson, Birch Power Company, 5203 South 11th Avenue E, Idaho Falls, ID 83404, (208) 522-8069. For Hydrodynamics, LLC: Mr. Roger Kirk, Hydrodynamics, LLC, P.O. Box 1136, Bozeman, MT 59771-1136, (406) 587-5086.

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h. *Description of Projects*: The project proposed by Birch Power Company would use the irrigation Canal system owned by the Greenfield Irrigation District and operate in a run-of-river mode and would consist of: (1) A Diversion structure, crest elevation of 4,010 feet, on the Mill Coulee Canal, (2) a proposed 800-foot-long, 54-inch-diameter penstock, (3) a proposed powerhouse containing one generating unit with a total installed capacity of 1 megawatts, (4) a proposed 3/4-mile-long, 69-KV transmission line, and (5) appurtenant facilities. The Birch Power Company project would have an average annual generation of 4.4 gigawatt-hours.

The project proposed by Hydrodynamics, LLC would use the irrigation Canal system owned by the Greenfield Irrigation District and operate in a run-of-river mode and would consist of: (1) A Diversion structure, crest elevation of 4,010 feet, on the Mill Coulee Canal, (2) a proposed 800-foot-long, 54-inch-diameter penstock, (3) a proposed powerhouse containing one generating unit with a total installed capacity of 1 megawatts, (4) a proposed 3/4-mile-long, 69-KV transmission line, and (5) appurtenant facilities. The Hydrodynamics, LLC project would have an average annual generation of 4.4 gigawatt-hours.

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