

landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or *OPP@ferc.gov*.

Dated: March 27, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

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

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. This filing may be viewed on the Commission's website 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 Nos.	File date	Presenter or requester
<i>Prohibited:</i>		
1. P-15332-000 .....	03/13/2024	FERC Staff. <sup>1</sup>
2. P-14861-002 .....	03/20/2024	FERC Staff. <sup>2</sup>
<i>Exempt:</i>		
1. P-2701-061 .....	03/22/2024	FERC Staff. <sup>3</sup>

Dated: March 26, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-06868 Filed 4-1-24; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 2737-027]

**Green Mountain Power Corporation; Notice of Application for a Non-Capacity Amendment of License 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. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* 2737-027.

c. *Date Filed:* June 14, 2023 and supplemented on August 15, 2023.

d. *Applicant:* Green Mountain Power Corporation.

e. *Name of Project:* Middlebury Lower Hydroelectric Project.

f. *Location:* The project is located on the Otter Creek in the towns of Middlebury and Weybridge, Addison County, Vermont. The project does not occupy any Federal lands.

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

h. *Applicant Contact:* Jason L. Lisai, Green Mountain Power Corporation, 163 Acorn Lane, Colchester, VT 05446-6611, (802) 655-8723, [jason.lisai@greenmountainpower.com](mailto:jason.lisai@greenmountainpower.com).

i. *FERC Contact:* Aneela Mousam, (202) 502-8357, [aneela.mousam@ferc.gov](mailto:aneela.mousam@ferc.gov).

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special

expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item 1 below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* April 25, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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

<sup>1</sup> Emailed comments dated 3/7/24 of Ryan Walt.

<sup>2</sup> Memorandum of email communication with the U.S. Fish and Wildlife Services.

<sup>3</sup> Emailed comments dated 3/20/24 of Steve Murphy.

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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-2737-027. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears on 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.

1. *Description of Request:* Green Mountain Power Corporation (licensee) requests Commission approval to replace the existing Unit 3 turbine runner with a new turbine runner. The upgrades would decrease the project's authorized installed capacity from 2,250 kilowatts (kW) to 1,800 kW and increase the maximum hydraulic capacity from 945 cubic feet per second (cfs) to 1,052 cfs. The increased efficiency of the turbine unit would result in an increase in annual energy generation. The licensee does not propose any other structural modifications to the powerhouse or any other project structures. During construction, Units 1 and 2 would remain operational, and any excess river flow would pass over the project dam into the bypass reach. In addition, the licensee states all construction activities associated with the proposed amendment would occur within the existing powerhouse and would be isolated from the river. Access to the powerhouse area for delivery of the Unit 3 turbine runner and construction vehicles would be via the existing access road, and would not require any ground disturbance. The licensee does not propose any changes to the licensed project operations during or after turbine runner replacement.

m. *Locations of the Application:* This filing may be viewed on the Commission's website 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 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. Agencies may obtain copies of the application directly from the applicant.

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, .214, respectively. 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 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 commenting, 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. Any filing made by an intervenor 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 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission

processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: March 26, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-06872 Filed 4-1-24; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15327-000]

#### **New England Hydropower Company, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

a. On October 11, 2023, New England Hydropower Company, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Middlebury Falls Hydroelectric Project No. 15327 (project), to be located on Otter Creek in Addison County, Vermont. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

b. *Project Description:* The proposed project would consist of the following: (1) a new 12-foot-wide, 60-foot-long, and 6-foot-deep intake channel equipped with a 12-foot-wide, 6-foot-high sluice gate and 20-foot-wide, 20-foot long trashrack; (2) a new 30-foot-wide, 40-foot-long, 50-foot-tall powerhouse that would include a new 500-kilowatt Kaplan turbine-generator unit; (3) a new powerhouse access way; (4) a new transformer and a new 150-foot-long underground transmission line that connect the project to the electric distribution grid; and (5) appurtenant facilities. The project would use the natural flow of Otter Creek and would not include a dam or impoundment. The estimated annual generation of the project would be 3,100 megawatt-hours.

c. *Applicant Contact:* Mr. Michael Kerr, New England Hydropower Company, LLC, 100 Cummings Center Drive, Suite 451C, Beverly, MA 01915;