

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket Nos. RM19–15–002; AD16–16–002]

**Qualifying Facility Rates and Requirements; Implementation Issues Under the Public Utility Regulatory Policies Act of 1978; Notice of Revised Procedural Schedule for the Environmental Assessment for Qualifying Facility Rates and Requirements Implementation Issues Under the Public Utility Regulatory Policies Act of 1978**

On July 16, 2020, the Federal Energy Regulatory Commission (Commission) issued Order No. 872,<sup>1</sup> approving certain revisions to its regulations implementing sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).<sup>2</sup> On September 5, 2023, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) remanded Order No. 872, without vacatur, based on its finding that, pursuant to the National Environmental Policy Act (NEPA),<sup>3</sup> the Commission must prepare an environmental assessment (EA) analyzing the potential impacts of the rule on climate change and air quality.<sup>4</sup>

On September 24, 2024, Commission staff issued a notice of intent to prepare an EA, which included an anticipated schedule for issuing the EA and a comment period.

By this notice, Commission staff is updating the procedural schedule<sup>5</sup> and setting forth a revised schedule for completion of the EA. The revised schedule is shown below.

**Schedule for Environmental Review**

Issuance of EA—June 30, 2025

End of Public Comment Period—July 30, 2025

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the progress.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>.

<sup>1</sup> *Qualifying Facility Rates & Requirements; Implementation Issues Under the Pub. Util. Regul. Policies Act of 1978*, Order No. 872, 172 FERC ¶ 61,041, order on reh'g, Order No. 872–A, 173 FERC ¶ 61,158 (2020), *aff'd in part and remanded in part sub nom. Solar Energy Indus. Ass'n v. FERC*, 80 F.4th 956 (9th Cir. 2023) (*Solar Energy*).

<sup>2</sup> 16 U.S.C. 796(17)–(18), 824a–3.

<sup>3</sup> 42 U.S.C. 4321 *et seq.*; see also 18 CFR pt. 380 (2024) (Commission's regulations implementing NEPA).

<sup>4</sup> *Solar Energy*, 80 F.4th at 996–97.

<sup>5</sup> The unique identification number for documents relating to this environmental review is EAXX–19–20–000–1726219809.

[www.ferc.gov/docs-filing/efiling.asp](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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number RM19–15–002. Comments emailed to Commission staff are not considered part of the Commission record.

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

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, the public is encouraged to contact OPP at (202) 502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Additional information about the final rule is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website ([www.ferc.gov](http://www.ferc.gov)). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (*i.e.*, RM19–15), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the

Commission, such as orders, notices, and rule makings.

Dated: December 18, 2024.

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

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 4108–000]

**City of St. Cloud, Minnesota; Notice of Authorization for Continued Project Operation**

The license for the St. Cloud Hydroelectric Project No. 4108 was issued for a period ending November 30, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 4108 is issued to the City of St. Cloud for a period effective December 1, 2024, through November 30, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before November 30, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed