



BILLING CODE 6717-01-P

Department of Energy  
Federal Energy Regulatory Commission

Andrew Peklo III

Project No. 12790-001

NOTICE OF APPLICATION ACCEPTED FOR FILING WITH THE COMMISSION,  
INTENT TO WAIVE SCOPING, SOLICITING MOTIONS TO INTERVENE AND  
PROTESTS, READY FOR ENVIRONMENTAL ANALYSIS, SOLICITING  
COMMENTS, TERMS AND CONDITIONS, RECOMMENDATIONS, AND  
PRESCRIPTIONS, AND ESTABLISHING AN EXPEDITED SCHEDULE FOR  
PROCESSING

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: Exemption From Licensing
- b. Project No.: 12790-001
- c. Date filed: February 16, 2011
- d. Applicant: Andrew Peklo III
- e. Name of Project: Pomperaug Hydro Project
- f. Location: On the Pomperaug River, in the Town of Woodbury, Litchfield County, Connecticut. The project would not occupy lands of the United States.
- g. Filed Pursuant to: Public Utility Regulatory Policies Act of 1978, 16 USC 2705, 2708.
- h. Applicant Contact: Andrew Peklo III, 29 Pomperaug Road, Woodbury, CT 06798, (203) 263-4566, [themill@charter.net](mailto:themill@charter.net)
- i. FERC Contact: Steve Kartalia, (202) 502-6131 or [Stephen.kartalia@ferc.gov](mailto:Stephen.kartalia@ferc.gov)
- j. Deadline for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions: Due to the small size and particular location of this

project and the close coordination with state and federal agencies during the preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) for filing comments, terms and conditions, recommendations, and prescriptions is shortened. Instead, comments, terms and conditions, recommendations, and prescriptions will be due 30 days from the issuance date of this notice. Further, the date for filing motions to intervene and protests will be due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website <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) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. Project Description: The Pomperaug Hydro Project would consist of: (1) the existing 90-foot-long, 15-foot-high Pomperaug River dam equipped with three existing gates; (2) an existing 0.1-acre impoundment with a normal water surface elevation of 226 feet above mean sea level; (3) an existing 40-foot-long, 42- to 50-inch-diameter penstock; and (4) an existing powerhouse integral to the dam, containing one new 76-kilowatt turbine generating unit. Project power would be transmitted through a new 24-foot-long, 208-volt underground transmission line. The proposed project is estimated to generate an average of 300,000 kilowatt-hours annually.

The applicant proposes to: (1) rehabilitate the existing gates including constructing a new intake structure with a trashrack; and (2) construct a new fish passage facility adjacent to the existing powerhouse.

m. Due to the project works already existing and the limited scope of proposed rehabilitation of the project site described above, the applicant's close coordination with federal and state agencies during the preparation of the application, completed studies, and agency recommended preliminary terms and conditions, we intend to waive scoping, shorten the notice filing period, and expedite the exemption process. Based on a review of the application, resource agency consultation letters including the preliminary terms and conditions, and comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period, which included a public meeting and site visit, and no new issues are likely to be identified through additional scoping. The EA will consider assessing the potential effects of project construction and operation on geology and soils, aquatic, terrestrial, threatened and endangered species, recreation and land use, aesthetic, and cultural and historic resources.

n. A copy of the application is available for review at the Commission in the Public Reference Room or 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, contact FERC Online Support.

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, contact FERC Online Support.

o. 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, and .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.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS", "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. 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.

p. Procedural schedule: The application will be processed according to the following procedural schedule. Revisions to the schedule may be made as appropriate.

MILESTONE

TARGET DATE

Notice of the availability of the EA

April 2012

Dated: November 3, 2011

Kimberly D. Bose,  
Secretary.

[FR Doc. 2011-29243 Filed 11/10/2011 at 8:45

am; Publication Date: 11/14/2011]