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Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER20-1983-000]

#### Central 40, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Central 40, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 23, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://>

[www.ferc.gov](http://www.ferc.gov). To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: June 3, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15024-000]

#### Pumped Hydro Storage LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 12, 2020, the Pumped Hydro Storage LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of Big Canyon Pumped Storage Project <sup>1</sup>

<sup>1</sup> In its application, Pumped Hydro Storage named the project the Navajo Nation Big Canyon Pumped Storage Project. We note that the proposed

to be located about 23 miles west of Tuba City, Arizona. 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.

The proposed project would be located entirely on Navajo Nation land and consist of the following new facilities: (1) A 450-foot-long, 200-foot-high concrete arch dam (Upper West Dam), a 1,000-foot-long, 150-foot-high earth filled dam (Middle Dam), and a 10,000-foot-long, 200-foot-high concrete arch dam (Upper East Dam), each of which would impound three separate upper reservoirs with a combine surface area of 400 acres and a total storage capacity of 29,000 acre-feet at a normal maximum operating elevation of 5,390 feet average mean sea level (msl); (2) a 600-foot-long, 400-foot-high concrete arch dam (Lower Dam) that would impound a lower reservoir with a surface area of 260 acres and a total storage capacity of 44,000 acre-feet at a normal maximum operating elevation of 3,790 feet msl; (3) three 10,000-foot-long, 30-foot-diameter reinforced concrete penstocks; (4) a 1,100-foot-long, 160-foot-wide, 140-foot-high reinforced concrete powerhouse housing nine 400-kilowatt pump-turbine generators; (5) a 1,000-foot-long, 120-foot-wide, 40-foot-high reinforced concrete tailrace; (6) three water supply wells with a capacity of 700 horsepower each and a 1,800-foot-long, 36-inch-diameter well water supply pipeline; (7) two new double circuit 500-kilovolt (kV) electric transmission lines that connect the project switchyard to the existing 500-kV and 345-kV transmission lines located 14 miles east of the proposed project; and (8) appurtenant facilities. The estimated annual power generation at the Navajo Nation Big Canyon Pumped Storage Project would be 7,900 Gigawatt-hours.

*Applicant Contact:* Mr. Steve Irwin, Manager, Pumped Hydro Storage LLC, 6514 S 41st Lane, Phoenix, AZ 85041 [Swirwin7@gmail.com](mailto:Swirwin7@gmail.com).

*FERC Contact:* Ousmane Sidibe; Phone: (202) 502-6245.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of

project is not in any way affiliated with the Navajo Nation and the Navajo Nation has not had any role in Pumped Hydro Storage's pursuit of this project. To avoid any confusion as to the identity of the project proponent, we have omitted "Navajo Nation" from the project name.

intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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 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, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-15024-000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15024) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 2, 2020.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2020-12407 Filed 6-8-20; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM01-5-000]

#### Electronic Tariff Filings; Notice of Procedures for Making Statutory Filings When Authorization for New or Revised Tariff Provisions Is Not Required

This guidance document reiterates prior guidance and sets forth the procedures that filers must use to make statutory filings pursuant to section 205(d) of the Federal Power Act (FPA), section 4(d) of the Natural Gas Act (NGA), or section 6 of the Interstate Commerce Act (ICA) in situations where the filer is not seeking approval of new or revised tariff provisions. Herein, the term statutory filing means a filing pursuant to the above-referenced statutory sections that would go into

effect by operation of law, absent Commission action, after the expiration of the applicable statutory prior notice periods of 60 (under the FPA) or 30 days (under the NGA and ICA), or on a specific later effective date proposed by the filer.<sup>1</sup>

#### I. Background

The FPA, NGA, and ICA each give the Commission authority to prescribe rules and regulations governing the form of filings to be made thereunder. Pursuant to that authority, the Commission issued Order No. 714,<sup>2</sup> requiring electronic filing for all tariffs<sup>3</sup> made pursuant to Parts 35, 154, and 341 of the Commission's regulations, which correspond to FPA, NGA, and ICA filings, respectively. In a subsequent order, the Commission explained that all filers making filings pursuant to these statutes must choose a statutory filing type and include a proposed effective date in eTariff in order to have their filings treated as filings upon which the Commission must act within statutorily-established time frames.<sup>4</sup> In Order No. 714-A, the Commission revised its regulations to specify that filings intending to have statutorily-defined action dates must be made pursuant to the requirements and formats for electronic filing.<sup>5</sup> That requirement is now stated within each

<sup>1</sup> The Commission also has referred to statutory filings as those having a statutory action date, *i.e.*, a deadline for Commission action. The effective date of a statutory filing, absent Commission action on the filing, is the 61st or 31st calendar day, respectively, after the date of filing, or a later date specified by the filer. Under the Commission's regulations, the full 60 or 30 calendar days of notice must expire before the filing would become effective. 18 CFR 385.2007(a) (2019) ([A]ny period of time . . . is computed to exclude the day of the act or event from which the time period begins to run.).

<sup>2</sup> *Electronic Tariff Filings*, Order No. 714, 124 FERC 61,270 (2008), *clarified*, Order No. 714-A, 147 FERC 61,115 (2014).

<sup>3</sup> The term tariff refer[s] to tariffs, rate schedules, jurisdictional contracts, and other jurisdictional agreements that are required to be on file with the Commission. *Id.* at P 13 n.11. The regulations promulgated by Order No. 714 required electronic filing of tariffs, rate schedules and service agreements, or parts thereof, and material that relates to or bears upon such documents, such as cancellations, amendments, withdrawals, termination, or adoption of tariffs. See 18 CFR 35.7(a) (2019).

<sup>4</sup> *Electronic Tariff Filings*, 130 FERC 61,047, at P 5 (2010).

<sup>5</sup> Order No. 714-A, 147 FERC 61,115 at P 4 (The regulations now will provide explicitly that only tariff filings properly filed as and designated as statutory filings according to the Commission's eTariff requirements will be considered to have statutory action dates, and that tariff filings not properly filed and designated as statutory filings will not become effective in the absence of Commission action.). See *Pioneer Transmission, LLC*, 169 FERC 61,265 (2019) (a filing not made through eTariff does not have a statutory action date).

applicable Part of the Commission's regulations:

A tariff or rate filing must be made electronically in accordance with the requirements and formats for electronic filing listed in the instructions for electronic filings. A tariff or rate filing not made in accordance with these requirements and formats will not have a statutory action date and will not become effective should the Commission not act by the requested action date.<sup>6</sup>

The required formats for electronic filing have been posted by the Secretary of the Commission.<sup>7</sup> Consequently, any filing that filers intend to become effective by operation of law in the absence of Commission action must be made through the Commission's eTariff system. Under the eTariff system, the statutory action dates for statutory filings are determined only by examining the filer's proposed effective dates in the tariff record dataset of an eTariff filing.<sup>8</sup> Therefore, a statutory filing must be submitted using eTariff and must include at least one actual (not a *pro forma*) tariff record with a proposed effective date.

Since the development of eTariff, however, instances have arisen in which a filer seeks to make a statutory filing, but the authorization sought does not require the filing of a new or revised tariff record. For example, a public utility transmission provider with formula rates may wish to make a statutory filing pursuant to section 205 of the FPA for Commission approval of recovery through its formula transmission rates of certain costs such as those held as a regulatory asset, pre-commercial costs, or abandonment costs. If the existing formula rate on file contains a placeholder for recovery of these costs, the filing may not require a tariff revision to the public utility's rate formula in order to recover these costs upon authorization by the Commission. Another example of this situation is a response to a Commission staff deficiency letter that does not require a revision to the entity's tariff records.<sup>9</sup>

<sup>6</sup> 18 CFR 35.7(d), 154(d), 341(d) (2019).

<sup>7</sup> Office of the Secretary, *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings (Implementation Guide)* (Version: November 14, 2016), <https://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>.

<sup>8</sup> *Id.* at 5 (The Commission will use the Type of Filing Code together with the Tariff Record Proposed Effective Date to establish whether a filing is statutory and the applicable statutory timelines).

<sup>9</sup> Staff deficiency letters frequently require that the deficiency response filing must be filed . . . by making a deficiency filing in accordance with the Commission's electronic tariff requirements. See, e.g., *PJM Interconnection, L.L.C.*, Docket No. ER20-457-000 (Jan. 16, 2020). See generally, *Transmittal Letter, Cal. Indep. Sys. Operator Corp.*, Docket No. ER17-1432-001, at 2 n.2 (July 5, 2017) (in response