

128 FERC ¶ 61,077
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Sudeen G. Kelly, Marc Spitzer,
and Philip D. Moeller.

City of Wrangell
City of Petersburg
City of Angoon

Project No. 13363-000
Project No. 13364-000
Project No. 13366-000

NOTICE ANNOUNCING
PRELIMINARY PERMIT PROCEDURES

(July 23, 2009)

1. On February 3, 2009, at 8:30 a.m., the Commission received three preliminary permit applications for proposed projects to be located at Ruth Lake in southeast Alaska.¹ The applications were filed by the City of Wrangell for Project No. 13363, the City of Petersburg for Project No. 13364, and the City of Angoon for Project No. 13366.
2. Where all permit applicants are municipalities or all permit applicants are non-municipalities, and no applicant's plans are better adapted than the others' to develop, conserve, and utilize in the public interest the water resources of a region, the Commission issues a permit to the applicant who filed first in time.² In this case, three applications from municipalities are considered filed at the same time. Therefore, the Commission will institute a random tie breaker for applications with identical filing

¹ The Commission is open each day from 8:30 a.m. to 5:00 p.m., except Saturdays, Sundays, and holidays. 18 C.F.R. § 375.101(c) (2008). The applications were filed between 5:00 p.m. on Monday February 2, 2009, and 8:30 a.m. on Tuesday February 3, 2009. Under the Commission's Rules of Practice and Procedure, any document received after regular business hours is considered filed at 8:30 a.m. on the next regular business day. 18 C.F.R. § 385.2001(a)(2) (2008).

² 18 C.F.R. § 4.37 (2008). *See, e.g., BPUS Generation Development, LLC*, 126 FERC ¶ 61,132 (2009).

times. In the event that the Commission concludes here that none of the three applicant's plans is better adapted than the others, priority will be determined accordingly.

3. On August 12, 2009, at 10:00 a.m. (eastern time), the Secretary of the Commission, or her designee, will, by random drawing, determine the filing priority for each of the three applicants identified in this notice. The drawing is open to the public and will be held in room 2C, the Commission Meeting Room, located at 888 First St. NE, Washington, DC 20426. The results of the drawing will be recorded by the Secretary or her designee.

By the Commission.

Kimberly D. Bose,
Secretary.