

in the integrated process. It requests that we make electronic service the presumptive form of service, as long as the potential applicant agrees to paper service for anyone who requests it.

405. We continue to be concerned with the situation of small enterprises that operate jurisdictional projects, as well as small NGOs or individuals that may lack the sophistication to fully participate without physical service. We do however see the potential for great savings in electronic service and the Commission is continuously reviewing its filing and distribution requirements with a view toward maximizing the use of electronic filing and distribution of information. Thus, as noted above, the final rule encourages potential applicants to distribute on-line information and analyses referenced in the PAD, while preserving the right of a participant to receive these materials in hard copy form. One recent innovation in this connection is the advent of our e-subscription service, in which an entity may sign up to receive e-mail notification of, and a link to our Commission-wide information database (FERRIS³⁸⁴) for, every filing made in a specified proceeding.³⁸⁵ Finally, we will also continue to consider waiver requests in individual cases, and participants in collaborative processes are free to negotiate agreements which take advantage of e-mail and other Internet capabilities.

406. ADK states that the Commission should permit meeting notices and other short documents to be served by facsimile machine instead of by e-mail on the ground that facsimile service is more reliable. This would be an extremely inefficient, if not impossible, means for the Commission to issue public notices. ADK is however free to request that license applicants or other participants in individual proceedings serve documents on it in this manner.

407. GLIFWC states that all documents filed in the licensing process should be made available on the Commission's Web site and an applicant's Web site in both portable document format (pdf) and a word processing format. All documents filed with the Commission are already available to the public on the Commission's Web site via FERRIS in various formats, including pdf. For this reason, there is no need to impose this burden on a potential applicant.

³⁸⁴ FERRIS stands for Federal Energy Regulatory Records and Information System.

³⁸⁵ Entities wishing to establish e-subscriptions can find instructions on the Commission's Web site at <http://www.ferconline@ferc.gov>.

3. Project Boundaries and Maps

408. The NOPR stated that for historical reasons the current regulations do not require minor projects occupying non-federal lands to have an established project boundary, although the boundary for such projects has been considered to be the reservoir shoreline. We further observed that this situation is inconsistent with our ongoing effort to modernize project boundary mapping by conversion of such maps into highly accurate, georeferenced electronic maps, and therefore proposed to require all future license and exemption applicants, regardless of license or exemption type, to provide a project boundary with each application. We requested comments on this proposal.³⁸⁶

409. Agencies and NGOs support the proposal. They state that it is important for compliance purposes because the Commission has said the geographical limit of its compliance authority is the project boundary.³⁸⁷ They state that the project boundary should include generating facilities, bypass reaches, the reservoir to the high water mark, all shoreline lands needed to meet project purposes other than the generation of power, and all lands needed to implement mitigation measures.³⁸⁸ All of these are required to be included in the project boundary with the exception of bypassed reaches, which we have explained may or may not be jurisdictional depending on case-specific facts.³⁸⁹

410. NHA is not opposed to consistent standards for project boundary maps, but objects to imposing the new standards on existing minor licenses for which project boundary maps are already on file, or on exemptions. NHA states that it would cost thousands of dollars for field survey and drafting and that the Commission can obtain all the information it needs under the current rules. NHA, SCE, and NEU also state that licensees should only be required to revise their project boundaries when a new license application is filed or the licensee otherwise seeks approval to revise a particular Exhibit G drawing, because requiring georeferenced,

electronically-formatted maps for all projects would be costly and extremely burdensome.

411. These commenters may misapprehend the proposed rule in this regard. It is not our intention to require all existing licensees or exemptees to file a georeferenced map of the project boundary. The project boundary data would only be required when an application is filed for a license or an exemption, or when an application to amend either authorization already requires a revised Exhibit G.

412. SCE adds that standards similar to the electronic standards required for project maps should also be established for design drawings required in a license application. Duke requests clarification of which electronic format is required for Exhibit G maps. It recommends widely used formats such as JPG, TIFF, or PDF, which do not require specialized software.

413. The revised regulations do not require Exhibit G maps to be in a GIS format. The project boundary is only one feature of Exhibit G maps, which also include the location of project features such as the reservoir, powerhouse, and other facilities. An applicant can file the Exhibit G map in a JPG, TIFF, or PDF file, or any other graphic format, the project boundary data however, must be filed in a GIS format.

4. Miscellaneous Filing Requirements

414. The NOPR proposed minor additions to the application filing requirements of §§ 4.41, 4.51, and 4.61. These are: monthly flow duration curves;³⁹⁰ minimum and maximum hydraulic capacities for the powerplant;³⁹¹ estimated capital and operating and maintenance (O&M) expenses for each proposed PM&E measures;³⁹² estimates of the costs to develop the license application;³⁹³ on-peak and off-peak values of project power, and the basis for the value determinations;³⁹⁴ estimated annual increase or decrease in generation at existing projects;³⁹⁵ remaining undepreciated net investment or book value of project;³⁹⁶ a single-line electrical diagram;³⁹⁷ and a statement of

³⁸⁶ 68 FR at p. 14014; IV FERC Stats. & Regs. ¶ 32,568 at p. 34,738.

³⁸⁷ See PacifiCorp, 80 FERC ¶ 61,334 (1997).

³⁸⁸ HRC, IDFG, NCWRC, PFBC, NYSDEC, PFMC, Menominee, Interior, MPRB.

³⁸⁹ See Duke Power, a Division of Duke Energy Corporation, 100 FERC ¶ 61,294 (2002), in which we stated that where a license requires ongoing programs in a bypassed reach (e.g., a habitat restoration program) such that continued Commission oversight is necessary to meet the program requirements, the reach is considered to be part of the project.

³⁹⁰ See proposed modifications to 18 CFR 4.41(c)(2)(i), 4.51(c)(2)(i), and 4.61(c)(1)(vii).

³⁹¹ Proposed modifications to 18 CFR

4.41(c)(4)(iii); 4.51(c)(2)(iii), and 4.61(c)(1)(vii).

³⁹² Proposed 18 CFR 4.41(c)(4)(v); 4.51(e)(4), and 4.61(c)(1)(k).

³⁹³ Proposed 18 CFR 4.41(e)(9); 4.51(e)(7); and 4.61(c)(3).

³⁹⁴ Proposed 18 CFR 4.41(e)(10); 4.51(e)(8); and 4.61(c)(4).

³⁹⁵ Proposed 18 CFR 4.51(e)(9) and 4.61(c)(5).

³⁹⁶ Proposed 18 CFR 4.61(c)(6).

³⁹⁷ Proposed 18 CFR 4.61(c)(8).