This document is scheduled to be published in the Federal Register on 2026-10-08 and available online at https://www.federalregister.gov/d/2026-20577, and on https://govinfo.gov

E 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4025-000]

Willis D. Deveny

Notice of Existing Licensee's Failure to File a Timely Notice of Intent to File a Subsequent License Application, and Soliciting Notices of Intent to File a License Application and Pre-Application Documents

The current license for Shingle Creek Hydroelectric Project No. 4025 (Shingle Creek Project) was issued to the original licensee, Willis D. Deveny, on September 30, 1981.[1] The original license was issued for a term of 50 years, ending August 31, 2031. The 224-kilowatt (kW) project is located on Shingle Creek in Idaho County, Idaho.

The project consists of: (a) a 3-foot-wide, 2-foot-high concrete diversion/intake structure headgate located on North Fork Shingle Creek; (b) a 3,100-foot-long, 10-inch-diameter plastic PVC pipe; (c) a 200-foot-long, 10-inch-diameter iron pipe; (d) a 3-foot-wide, 2-foot-high concrete diversion headgate located on South Fork Shingle Creek; (e) a 3,000-foot-long, 12-inch-diameter plastic PVC pipe; (f) a 12-foot-long square cinder block powerhouse containing two generating units, one rated at 65 kW and one rated at 55 kW; (g) a 300-foot long transmission line; and (h) appurtenant facilities.

At least five years before the expiration of a license for a minor water power project in which sections 14 and 15 of the Federal Power Act were waived, the Commission's regulations require the licensee to file with the Commission a notice of intent (NOI) that contains an unequivocal statement of the licensee's intention to file or not to file an application for a

[1] *See Willis D. Deveny*, 16 FERC ¶ 62,623 (1981).

subsequent license, details on the principal project works and installed plant capacity, and other information.[2]

If such a licensee does not inform the Commission that it intends to file an application for, in this case, a subsequent license for the project, the licensee may not file an application for a subsequent license, either individually or in conjunction with an entity or entities that are not currently licensees of the project.[3]

Because the current license expires on August 31, 2031, the NOI was due to be filed no later than the close of business on August 31, 2026. The current licensee for the Shingle Creek Project failed to file an NOI by this date.[4]

Any party interested in filing a license application for the Shingle Creek Project No. 4025 must first file a NOI[5] and pre-application document (PAD)[6] pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use alternative licensing procedures when it files its NOI.[7]

This notice sets a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to use an alternative licensing process.

Applications for a subsequent license from potential (non-licensee) applicants must be filed with the Commission at least 24 months prior to the expiration of the current license.[8]

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[2] 18 CFR 16.19(b) (2025) (citing 18 CFR 16.6(b)). Section 16.19(b) applies to licenses not subject to Parts 14 and 15 of the Federal Power Act.

[3] *Id.* at § 16.24(b).

[4] On September 2, 2026, Mike Denevy, the son of Willis and Betty Deveny, filed a letter indicating that both parents passed away and their estate has not been settled. He also indicated that he would like to proceed with re-licensing the project. However, the filing was not in conformance with the noticing requirements of section 5.5 of the Commission's regulations, because among other things, it did not identify the principle project works and it did not include the names and mailing addresses of nearby municipalities, counties, political subdivisions, or affected Indian Tribes. It also did not include a PAD as required by section 5.6 of the regulations.

[5] 18 CFR 5.5 (2025).

[6] *Id.* at § 5.6.

[7] *Id.* at § 5.3(b).

[8] *Id.* at § 16.20.

Because the current license expires on August 31, 2031, applications for license for this project must be filed by August 31, 2029.[9]

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Questions concerning this notice should be directed to Maryam Zavareh at (202) 502-8113 or maryam.zavareh@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: October 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026-20577 Filed: 10/7/2026 8:45 am; Publication Date: 10/8/2026]

[9] To the extent an interested applicant files an NOI and PAD and elects or is required to use the Commission's ILP, a process plan will be issued within 180 days of this notice, which accelerates the steps of the ILP to allow for filing a subsequent license application by the August 31, 2029 deadline.