

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Brainerd Public Utilities

Project No. 2533-061

NOTICE DISMISSING MOTION TO INTERVENE

(March 20, 2018)

On February 28, 2018, Brainerd Public Utilities, filed a notice of intent to apply for a license, pursuant to the integrated licensing process (ILP),¹ and a *pre*-application document (PAD)² for the relicensing of the Brainerd Hydroelectric Project, Project No. 2533. On March 14, 2018, ALLETE, Inc. filed a motion to intervene in this proceeding.

Pursuant to Rule 214(a)(3) of the Commission's Rules of Practice and Procedure, any person may seek to intervene and become a party in a proceeding by filing a motion to intervene that complies with the content requirements of Rule 214(b).³ However, a motion to intervene in the ILP at the *pre*-application stage, as here, is not appropriate. Because Brainerd Public Utilities has not yet filed a license application, there is no proceeding in which to intervene, and the motion to intervene in Project No. 2533-061 is dismissed as premature. Should Brainerd Public Utilities file a license application, the Commission will publish notice of the application and provide an opportunity at that time for interested entities, including the movant, to intervene and present views concerning the project as proposed in the license application.⁴

¹ The Commission established the ILP in 2003 with the goal to gain "efficiencies by integrating a potential license applicant's pre-filing consultation with the Commission's" and other agencies' activities pursuant to the Federal Power Act, the National Environmental Policy Act, and other applicable legislation. *See Hydroelectric Licensing Under the Federal Power Act*, Order No. 2002, 68 Fed. Reg. 51,070 (Aug. 25, 2003), FERC Stats. & Regs., Regulations Preambles 2001-2005 ¶ 31,150 (2003).

² *See* 18 CFR 5.6 (2017) (requiring filing of a *pre*-application document).

³ 18 CFR 385.214(b) (2017).

⁴ 18 CFR 4.34 (2017). To the extent that the movant seeks to be kept informed of any new activity in the docket, it may register and eSubscribe at

This notice constitutes final agency action. Requests for rehearing by the Commission of this notice must be filed within 30 days of the date of issuance of this notice, pursuant to section 313(a) of the Federal Power Act, 16 U.S.C. 825*l* (2012), and Rule 713 of the Commission's Rules of Practice and Procedure, 18 CFR 385.713 (2017).

Kimberly D. Bose,
Secretary.