

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Alabama Power Company

Project No. 2165- 015 - Alabama
Black Warrior River Project

NOTICE OF PROPOSED REVISED RESTRICTED SERVICE LIST
FOR A PROGRAMMATIC AGREEMENT FOR MANAGING
PROPERTIES INCLUDED IN OR ELIGIBLE FOR INCLUSION IN
THE NATIONAL REGISTER OF HISTORIC PLACES

(October 22, 2002)

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.¹ The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alabama State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Council) pursuant to the Council's regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act, *as amended*, (16 U.S.C. Section 470 f), to prepare and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at Project No. 2165- 015.

The programmatic agreement, when executed by the Commission, the SHPO, and the Council, would satisfy the Commission's Section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to Section 106 for the Black Warrior River Project would be fulfilled through the programmatic agreement, which the Commission proposes to draft in consultation with

¹ 18 CFR Section 385.2010.

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certain parties listed below. The executed programmatic agreement would be incorporated into any Order issuing a license.

Alabama Power Company, as licensee for Project No. 2165, and the Mississippi Band of Choctaw Indians, Jena Band of Choctaw Indians, Chickasaw Nation, Poarch Band of Creek Indians, U. S. Forest Service, U.S. Army Corp of Engineers, and the U.S. Bureau of Indian Affairs have expressed an interest in this preceding and are invited to participate in consultations to develop the programmatic agreement.

For purposes of commenting on the programmatic agreement, we propose to restrict the service list for the aforementioned project as follows:

Dr. Laura Henley Dean
Advisory Council on Historic Preservation
The Old Post Office Building, Suite 803
1100 Pennsylvania Avenue, NW
Washington, D.C. 20004

Rena Duncan
Tribal Historic Preservation Officer
Chickasaw Nation
P.O. Box 1548
Ada, OK 74820

Amanda McBride or Representative
Alabama Historical Commission
468 South Perry Street
Montgomery, Alabama 36130-0900

Ken Carleton
Tribal Historic Preservation Officer
Mississippi Band of Choctaw Indians
P.O. Box 6257
Choctaw, MS 39350

Christine Norris
Tribal Historic Preservation Officer
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342

Dr. James Kardatzke
Bureau of Indian Affairs
Eastern Region Office
711 Stewarts Ferry Pike
Nashville, TN 37214

William Day
Tribal Historic Preservation Officer
Poarch Band of Creek Indians
128 Olive St.
Pineville, LA 71360

Elrand Denson or Representative
United States Forest Service
2946 Chestnut St.
Montgomery, AL 36107-3010

Michael Eubanks
United States Army Corp of Engineers
109 Saint Joseph St.
Mobile, AL 36628

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Charles Gault, Esq.
Office of Solicitor
530 Gay St., Room 308
Knoxville, TN 37918

Kelly Schaeffer
6225 Brandon Avenue

Suite 110
Springfield, VA 22150

Barry Lovett or Representative
Alabama Power Company
P.O. Box 2641
Birmingham, AL 35291

We propose to remove the following person from the restricted service list for the aforementioned project because his interests will be taken into account through the Forest Service:

Robert Pasquill
United States Forest Service
2946 Chestnut St.
Montgomery, AL 36107-3010

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason(s) why there is an interest to be included. Also please identify any concerns about Historic Properties, including Traditional Cultural Properties. If Historic Properties are to be identified within the motion, please use a separate page, and label it **NON-PUBLIC** Information.

An original and 8 copies of any such motion must be filed with Magalie Salas, the Secretary of the Commission (888 First Street, NE, Washington, D.C. 20426) and must be served on each person whose name appears on the official service list. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

Linwood A. Watson, Jr.
Deputy Secretary

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