

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Billing Procedures for Annual Charges
For Recompensing the United States for the
Use, Occupancy, and Enjoyment of Federal Lands

Docket No. AD11-4-000

NOTICE FOR STATEMENTS OF ANNUAL CHARGES FOR THE USE OF
GOVERNMENT LANDS FOR FISCAL YEARS 2010 and 2011

(Issued March 22, 2011)

By this notice, the Commission states that it will use the Fiscal Year (FY) 2008 notice updating the fee schedule issued on January 22, 2008¹ to assess federal land use charges for FY2009, 2010, and 2011. On January 4, 2011, the U.S. Court of Appeals for the D.C. Circuit vacated the Commission's FY 2009 notice updating the fee schedule to set annual charges for hydroelectric projects occupying federal land.² On February 17, 2011, the Commission instituted a notice of inquiry as to how it might reasonably assess charges for use of federal land in light of the D.C. Circuit's decision.³

The adjusted FY 2009 rate may result in an adjustment to the FY 2009 Federal Lands Charges. Any difference as a result of the adjusted rate will be reflected in the FY 2010 billing, and if necessary, in the FY 2011 billing. We anticipate issuing the FY 2010 bills for use of federal lands by April 1, 2011, and the FY 2011 bills by June 3, 2011.

If you have any questions regarding this notice, please contact W. Doug Foster at (202) 502-6118 or Fannie Kingsberry at (202) 502-6108.

Kimberly D. Bose,
Secretary.

¹ *Update of the Federal Energy Regulatory Commission's Fees for Annual Charges for the Use of Government Lands*, 73 Fed.Reg. 3626 (January 22, 2008), 122 FERC Stats & Regs. ¶ 62,046 (2008).

² *City of Idaho Falls, Idaho, et al. v. FERC*, 629 F.3d 222 (D.C. Cir. 2011).

³ *Annual Charges for Use of Government Lands, Notice of Inquiry*, 134 FERC ¶ 61,111 (2011).