

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. AD12-11-000

NOTICE FOR STATEMENT OF ANNUAL CHARGES FOR THE USE OF
GOVERNMENT LANDS FOR FISCAL YEAR 2012

(January 23, 2012)

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 FY 2012. 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 After considering comments received, the Commission issued a Notice of Proposed Rulemaking (NOPR) on November 17, 2011 informing the public and seeking comments on its proposal to revise the methodology it uses to assess annual charges for federal land.⁴ As of this notice date, the Commission has not finalized a rulemaking to revise the methodology that will be used to compute annual charges for FY 2012. Therefore, the Commission will continue to use the FY 2008 per acre rates to assess annual charges for federal lands.

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).

⁴ *Annual Charges for Use of Government Lands, Notice of Proposed Rulemaking*, 137 FERC ¶ 61,139 (2011).

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