

and then sum the separate capacities to obtain the overall system capacity. Measuring capacity in this way would require that the test laboratory be equipped with multiple airflow measuring apparatuses. It is unlikely that any test laboratory would be equipped with the necessary number of such apparatuses. Alternatively, the test laboratory could connect its one airflow measuring apparatus to one or more common indoor units until the contribution of each indoor unit had been measured. However, that approach would be so time-consuming as to be impractical.

For the reasons discussed above, DOE believes Carrier's SMMSi VRF multi-split heat pumps cannot be tested using the procedure prescribed in 10 CFR 431.96 (ARI Standard 340/360-2004) and incorporated by reference in DOE's regulations at 10 CFR 431.95(b)(2)-(3). After careful consideration, DOE has decided to prescribe ANSI/AHRI 1230-2010 as the alternate test procedure for Carrier's commercial multi-split products.

#### Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Carrier petition for waiver. The FTC staff did not have any objections to issuing a waiver to Carrier.

#### Conclusion

After careful consideration of all the materials submitted by Carrier, the absence of any comments, and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver filed by Carrier (Case No. CAC-031) is hereby granted as set forth in the paragraphs below.

(2) Carrier shall not be required to test or rate its SMMSi VRF multi-split heat pump models listed below on the basis of the test procedures cited in 10 CFR 431.96, specifically ARI Standard 340/360-2004 (incorporated by reference in 10 CFR 431.95(b)(2-3)). Instead, it shall be required to test and rate such products according to the alternate test procedure as set forth in paragraph (3).

Standard model outdoor units:

MMY-MAP0724HT9UL, with a capacity of 72,000 Btu/hr  
 MMY-MAP0964HT9UL, with a capacity of 96,000 Btu/hr  
 MMY-MAP1144HT9UL, with a capacity of 114,000 Btu/hr  
 MMY-AP1444HT9UL, with a capacity of 144,000 Btu/hr  
 MMY-AP1684HT9UL, with a capacity of 168,000 Btu/hr  
 MMY-AP1924HT9UL, with a capacity of 192,000 Btu/hr

MMY-AP2284HT9UL, with a capacity of 220,000 Btu/hr

Indoor units, whose capacities range from 7,000 to 48,000 Btu/hr that are compatible with the outdoor units listed above:

#### 4-way cassette

MMU-AP0182H2UL, MMU-AP0212H2UL, MMU-AP0242H2UL, MMU-AP0302H2UL, MMU-AP0362H2UL, and MMU-AP0422H2UL

#### Compact 4-way cassette

MMU-AP0071MH2UL, MMU-AP0091MH2UL, MMU-AP0121MH2UL, MMU-AP0151MH2UL, and MMU-AP0181MH2UL

#### Ceiling

MMC-AP0181H2UL, MMC-AP0241H2UL, MMC-AP0361H2UL, and MMC-AP0421H2UL

#### High-wall

MMK-AP0073H2UL, MMK-AP0093H2UL, MMK-AP0123H2UL, MMK-AP0153H2UL, MMK-AP0183H2UL, and MMK-AP0243H2UL

#### Slim ducted

MMD-AP0071SPH2UL, MMD-AP0091SPH2UL, MMD-AP0121SPH2UL, MMD-AP0151SPH2UL, and MMD-AP0181SPH2UL

#### Medium static ducted

MMD-AP0071BH2UL, MMD-AP0091BH2UL, MMD-AP0121BH2UL, MMD-AP0151BH2UL, MMD-AP0181BH2UL, MMD-AP0211BH2UL, MMD-AP0241BH2UL, MMD-AP0301BH2UL, MMD-AP0361BH2UL, MMD-AP0421BH2UL, and MMD-AP0481BH2UL

#### High static ducted

MMD-AP0151H2UL, MMD-AP0181H2UL, MMD-AP0241H2UL, MMD-AP0301H2UL, MMD-AP0361H2UL, and MMD-AP0481H2UL

(3) *Alternate test procedure.* Carrier is not required to test the products listed in paragraph (2) above according to the test procedure for commercial package air conditioners and heat pumps prescribed by DOE at 10 CFR 431.96 (ARI Standard 340/360-2004 (incorporated by reference in 10 CFR 431.95(b)(2)-(3))), but instead shall use the alternate test procedure ANSI/AHRI 1230-2010.

(4) This waiver shall remain in effect from the date this Decision and Order is issued, consistent with the provisions of 10 CFR 431.401(g).

(5) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify the waiver at any time if it determines that the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(6) This waiver applies only to those basic models set out in Carrier's petition for waiver. Grant of this waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on May 26, 2011.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2011-13654 Filed 6-1-11; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. DI11-7-000]

### San Jose Water Company; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI11-7-000.

c. *Date Filed:* May 16, 2011.

d. *Applicant:* San Jose Water Company.

e. *Name of Project:* Micro-Hydro-Turbine-Generator Project.

f. *Location:* The Micro-Hydro-Turbine-Generator Project will be located on a water delivery system pipe, replacing Pressure Reducing Valves, in the town of San Jose, Santa Clara County, California.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Thomas J. Victorine, Director of Operations, San Jose Water Company, 110 W. Santa Clara Street, San Jose, CA 95196-0001; Telephone: (408) 279-7814; FAX: (408) 292-5812; e-mail: <http://www.Tom.victorine@sjwater.com>.

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or E-mail address: [henry.ecton@ferc.gov](mailto:henry.ecton@ferc.gov).

j. *Deadline for filing comments, protests, and motions:* June 30, 2011.

All documents should be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. Please include the docket number (D111-7-000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The Micro-Hydro-Turbine-Generator Project would consist of a municipal water delivery system in which two Pressure Reducing Valves (PRV), used to control pressure in pipes, would be retrofitted with hydro turbines, to generate 150-kW. The 16-inch pipe, into which the PRVs are placed, carries water from the city's water treatment plant and is part of the San Jose public drinking water system. The water supplied to the water treatment plant comes from three existing storage reservoirs. A transmission line will connect the project to an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online

at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, and/or Motions to Intervene:* Anyone may submit comments, a protest, and a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, and/or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 26, 2011.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2011-13681 Filed 6-1-11; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13381-001]

#### **Jonathan and Jayne Chase; Notice of Application Accepted for Filing With the Commission, Intent To Waive Scoping, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, Soliciting Comments, Terms and Conditions, Recommendations, and Prescriptions, and Establishing an Expedited Schedule for Processing**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption From Licensing.

b. *Project No.:* 13381-001.

c. *Date filed:* July 23, 2010.

d. *Applicant:* Jonathan and Jayne Chase.

e. *Name of Project:* Troy Hydropower Project.

f. *Location:* On the Missisquoi River, in the Town of Troy, Orleans County, Vermont. The project would not occupy lands of the United States.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Jonathan and Jayne Chase, 361 Goodall Road, Derby Line, VT 05830, (802) 895-2980.

i. *FERC Contact:* Tom Dean, (202) 502-6041.

j. *Deadline for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions:* Due to the small size and particular location of this project and the close coordination with state and federal agencies during the preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) for filing motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions is shortened. Instead, motions to intervene and protests, comments, terms and conditions, recommendations, and prescriptions will be due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the