

Federal Energy Regulatory Commission

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80 and submit them to the Secretary of the Commission in accordance with filing procedures posted on the Commission's Web site at <http://www.ferc.gov>.

(2) FERC Form No. 80 is due on April 1, 2009, for data compiled during the calendar year ending December 31, 2008. Thereafter, FERC Form No. 80 is due on April 1 of every sixth year for data compiled during the previous calendar year.

(3) A copy of the Form No. 80 should be retained by the respondent licensee in its file.

(b) *Initial Form No. 80 filings.* Each licensee of an unconstructed project shall file an initial Form No. 80 after such project has been in operation for a full calendar year prior to the filing deadline. Each licensee of an existing (constructed) project shall file an initial Form No. 80 after such project has been licensed for a full calendar year prior to the filing deadline.

(c) *Exemptions.* A licensee who has filed a Form No. 80 may request an exemption from any further filing of the form for any development that has no existing or potential recreational use or only a minor existing or potential recreational use (as indicated by fewer than 100 recreation days of use during the previous calendar year) by submitting a statement not later than 6 months prior to the due date for the next filing, stating that Form No. 80 has been filed previously for such development and setting out the basis for believing that the development has no existing or potential recreational use or a minor existing or potential recreational use.

(Approved by the Office of Management and Budget under control number 1902-0106)

[46 FR 50059, Oct. 9, 1981, as amended by 49 FR 5073, Feb. 10, 1984; Order 419, 50 FR 20096, May 14, 1985; Order 540, 57 FR 21737, May 22, 1992; Order 699, 72 FR 45324, Aug. 14, 2007; Order 737, 75 FR 43403, July 26, 2010]

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

APPLICATION FOR TRANSFER OF LICENSE

Sec.

9.1 Filing.

9.2 Contents of application.

9.3 Transfer.

APPLICATION FOR LEASE OF PROJECT PROPERTY

9.10 Filing.

AUTHORITY: Sec. 8, 41 Stat. 1068, sec. 309, 49 Stat. 858; 16 U.S.C. 801, 825h; Pub. L. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*)

CROSS REFERENCE: For application for approval of transfer of license, see §131.20 of this chapter.

APPLICATION FOR TRANSFER OF LICENSE

§ 9.1 Filing.

Any licensee desiring to transfer a license or rights thereunder granted, and the person, association, corporation, State, or municipality desiring to acquire the same, shall jointly or severally file an application for approval of such transfer and acquisition. Such application shall be verified, shall conform to §131.20 of this chapter, and shall be filed in accordance with § 4.32 of this chapter.

[Order 501, 39 FR 2267, Jan. 18, 1974, as amended by Order 2002, 68 FR 51139, Aug. 25, 2003]

§ 9.2 Contents of application.

Every application for approval of such transfer and acquisition by the proposed transferee shall set forth in appropriate detail the qualifications of the transferee to hold such license and to operate the property under license, which qualifications shall be the same as those required of applicants for license.

[Order 141, 12 FR 8491, Dec. 19, 1947]

CROSS REFERENCES: For administrative rules relating to applicants for license, see part 385 of this chapter. For regulations as to licenses and permits, see part 4 of this chapter.

§ 9.3 Transfer.

(a) Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, and a showing that such transfer is in the public interest. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the act, as though such transferee were the original licensee and shall be responsible for

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the payment of annual charges which accrue prior to the date of transfer.

(b) When the Commission shall have approved the transfer of the license, its order of approval shall be forwarded to the transferee for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance accompanied by a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof.

[Order 175, 19 FR 5217, Aug. 18, 1954]

APPLICATION FOR LEASE OF PROJECT PROPERTY

§9.10 Filing.

Any licensee desiring to lease the project property covered by a license or any part thereof, where the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power, and the person, association, or corporation, State, or municipality desiring to acquire the project property by lease, must file the proposed lease together with the application in accordance with §4.32(b)(1) of this chapter. The application and the Commission's action on it will, in general, be subject to the provisions of §§9.1 through 9.3.

[Order 737, 75 FR 43403, July 26, 2010]

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

Subpart A—Charges for Costs of Administration, Use of Tribal Lands and Other Government Lands, and Use of Government Dams

Sec.

- 11.1 Costs of administration.
- 11.2 Use of government lands.
- 11.3 Use of government dams, excluding pumped storage projects.
- 11.4 Use of government dams for pumped storage projects, and use of tribal lands.

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- 11.5 Exemption of minor projects.
- 11.6 Exemption of State and municipal licensees and exemptees.
- 11.7 Effective date.
- 11.8 Adjustment of annual charges.

Subpart B—Charges for Headwater Benefits

- 11.10 General provision; waiver and exemption; definitions.
- 11.11 Energy gains method of determining headwater benefits charges.
- 11.12 Determination of section 10(f) costs.
- 11.13 Energy gains calculations.
- 11.14 Procedures for establishing charges without an energy gains investigation.
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- 11.16 Filing requirements.
- 11.17 Procedures for payment of charges and costs.

Subpart C—General Procedures

- 11.20 Time for payment.
- 11.21 Penalties.

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2016

AUTHORITY: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

Subpart A—Charges for Costs of Administration, Use of Tribal Lands and Other Government Lands, and Use of Government Dams

§ 11.1 Costs of administration.

(a) *Authority.* Pursuant to section 10(e) of the Federal Power Act and section 3401 of the Omnibus Budget Reconciliation Act of 1986, the Commission will assess reasonable annual charges against licensees and exemptees to reimburse the United States for the costs of administration of the Commission's hydropower regulatory program.

(b) *Scope.* The annual charges under this section will be charged to and allocated among:

- (1) All licensees of projects of more than 1.5 megawatts of installed capacity; and
- (2) All holders of exemptions under either section 30 of the Federal Power Act or sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978, as amended by section 408 of the Energy Security Act of 1980, but only if the exemption was issued subsequent to April 21, 1995 and is for a project of