

156 FERC ¶ 62,117
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

FFP Project 121, LLC

Project No. 14504-002

ORDER GRANTING EXTENSION OF TERM FOR
PRELIMINARY PERMIT

(Issued August 11, 2016)

On August 1, 2016, FFP Project 121, LLC (FFP) filed an application for a two-year extension of its existing preliminary permit for the proposed New Cumberland Locks and Dam Hydroelectric Project, issued on September 13, 2013, and expiring on August 31, 2016.¹ The proposed project would be located at the existing U.S. Army Corps of Engineers' (Corps) New Cumberland Locks and Dam, on the Ohio River, near the town of New Cumberland, Hancock County, West Virginia and Jefferson County, Ohio.

Section 5(b) of the Federal Power Act states that a preliminary permit term can be extended once for not more than two additional years if the Commission finds that the permittee has carried out activities under the permit in good faith and with reasonable diligence.²

In its first four progress reports, FFP indicated that it had evaluated: (1) the hydropower potential and economic feasibility of the project site; (2) consulted with the Corps to assess the conceptual feasibility of the project for the Commission's 2-year licensing pilot program under Docket No. AD13-9-000; (3) the feasibility of achieving a negotiated settlement of key stakeholder issues; (4) potential power purchase agreements and off-take arrangements; and (5) preliminary cost estimates based on historical river flow data. In its fifth progress report, FFP indicated that it was continuing consultation with stakeholders in support of establishing existing environmental and land-use conditions at the site and in support of a Pre-Application Document (PAD). On July 26, 2016, FFP filed a Notice of Intent to File a License Application, PAD, and Request for Approval to Use the Traditional Licensing Process.

¹ See 144 FERC ¶ 62,241 (2013).

² See Hydropower Regulatory Efficiency Act of 2013, Pub. L. No. 113-23, § 5, 127 Stat. 495 (codified as amended at 16 U.S.C. 798(b)).

Upon review of the application for extension, as well as five progress reports submitted under the preliminary permit,³ FFP has demonstrated that it has carried out activities under the permit in good faith and with reasonable diligence. Therefore, the request for extension of the preliminary permit term is granted. It is expected that during the remaining term of the permit, as extended, agency consultation will continue, studies will be completed, and a development application will be prepared.

The Director orders:

(A) Ordering paragraph (A) of the preliminary permit for the New Cumberland Locks and Dam Hydroelectric Project No. 14504 is amended to read as follows:

(A) A preliminary permit is issued for the New Cumberland Locks and Dam Hydroelectric Project No. 14504 to the FFP Project 121, LLC for a period effective the first day of the month in which this permit is issued, and ending either 60 months from the effective date or on the date that a development application submitted by the permittee has been accepted for filing, whichever occurs first.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 825l (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2015). The filing of a request for rehearing does not operate as a stay of any date specified in this order.

John B. Smith, Chief
Mid-Atlantic Branch
Division of Hydropower Licensing

³ Pursuant to Article 4 of the preliminary permit, FFP is required to file the three additional progress reports that are due no later than the last day of each six-month period from the effective date of the permit, i.e., by February 28, 2017, August 31, 2017, and February 28, 2018.

Document Content(s)

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