

157 FERC ¶ 62,064
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

FFP Project 133, LLC

Project No. 14524-002

ORDER GRANTING EXTENSION OF TERM FOR
PRELIMINARY PERMIT

(Issued October 25, 2016)

On October 18, 2016, FFP Project 133, LLC (FFP) filed an application for a two-year extension of its existing preliminary permit for the proposed Dashields Lock and Dam Hydroelectric Project, issued on December 16, 2013, and expiring on November 30, 2016.¹ The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) Dashields Lock and Dam on the Ohio River in Ambridge County, Pennsylvania.

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 performed: (1) consultation with the Corps' Pittsburgh District regarding the feasibility of the project and the Corps' operational and regulatory considerations; (2) a screening evaluation of the project to determine its economic feasibility; (3) preliminary cost estimates based on historical river flow data; (4) consultation with all stakeholders with the intent of reaching agreement on potential impacts and protection, mitigation & enhancement (PME) measures; (5) an evaluation of potential power off-take arrangements and power purchase agreements from local offtakers and utility companies; and (6) consultation with all stakeholders in support of the development of a Pre-Application Document (PAD). In its fifth progress report, FFP indicated that it was continuing development feasibility evaluations for the project and working to finalize the PAD. On September 26, 2016, FFP filed a Notice of Intent to File a License Application, PAD, and Request for Approval to Use the Traditional Licensing Process.

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

¹ See 145 FERC ¶ 62,196 (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)).

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 Dashields Lock and Dam Hydroelectric Project No. 14524 is amended to read as follows:

(A) A preliminary permit is issued for the Dashields Lock and Dam Hydroelectric Project No. 14524 to the FFP Project 133, 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. § 825*l* (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2016). 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 May 31, 2017; November 30, 2017; and May 31, 2018.

Document Content(s)

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