

156 FERC ¶ 62,188
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Twain Resources LLC

Project No. P-14653-000

ORDER DISMISSING PRELIMINARY PERMIT APPLICATION
WITHOUT PREJUDICE

(Issued September 13, 2016)

1. On December 10, 2014, Twain Resources LLC (Twain Resources) filed a preliminary permit application to study the feasibility of developing the proposed Easygo Hydroelectric Project, Project No. 14653, which the Commission subsequently accepted on January 5, 2016. On February 12, 2016, Pine Creek Mine LLC (Pine Creek) filed a competing license application, Project No. 12532, which the Commission accepted for filing on July 28, 2016.
2. The Commission's policy is to dismiss without prejudice permit applications that compete with accepted development proposals (applications for license or exemption) when they fail to substantiate the technical, environmental, and economic aspects of the proposed project.¹ This policy is based on the premise that substantiation of the permit proposal is a necessary prerequisite to a comparative analysis of competing applications.
3. Here, Pine Creek filed a final development application before Commission staff acted on Twain Resources' permit application. Accordingly, the preliminary permit application for Project No. 14653 is dismissed without prejudice. If Pine Creek's license application is subsequently dismissed, the permit application will be reinstated automatically, with the original filing date intact, and Twain Resources will be notified.
4. If the license application is granted, the preliminary permit applicant will be served a copy of the approving order, and the dismissal of the permit application will be with prejudice from the date of that order. Any request for rehearing must be filed within 30 days from the date of that order.

The Director orders:

(A) The permit application submitted by Twain Resources on December 10, 2014, for Project No. 14653 is dismissed without prejudice.

¹ See *Dennis V. McGrew*, 32 FERC ¶ 61,229 (1985).

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(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 Federal Power Act, 16 U.S.C. § 825*l* (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2016).

Timothy Konnert, Chief
West Branch
Division of Hydropower Licensing

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