

Hydropower Projects and Drought Mitigation



Federal Energy Regulatory Commission
Washington, D.C.

Existing Operational Flexibility

- Many licenses issued since the mid 1980s contain temporary operation modification provisions. The language of this provision may be as follows:
..."the (operation requirement) may be temporarily modified for short periods upon agreement between the licensee, and the (identified consulted entity)."
- The provisions allow for operation changes for short periods upon agreement with the consulted entities identified in the license article without coming to FERC for additional approval

Existing Operational Flexibility cont...

- The licensee is responsible for documenting agreement(s) with the consulted entities
- Documentation may consist of telephone records, e-mails, faxes
- Agreement means that ALL consulted entities, as required in the license article, agree to the change prior to implementation

What if Operational Flexibility isn't included in the License

- The licensee will have to obtain an amendment prior to making a temporary operational change
- Amendment applications follow the Commission's regulations at 18 CFR §4.200
- Look for ways to expedite the application process

Suggestions for Expediently Processing License Amendments

- Do your homework before requesting waiver of 60-day pre-filing consultation requirements
- Engage ALL stakeholders and provide evidence they are on-board
- Engage Commission staff ASAP
- Reduce the comment period for public notices
- Other suggestions from Workshop attendees?

Contacting FERC

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