

150 FERC ¶ 62,036
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Puget Sound Energy

Project No. 2150-122

ORDER AMENDING ARTICLE 102 ANNUAL REPORT FILING DATES

(Issued January 16, 2015)

1. On September 15, 2014, Puget Sound Energy (licensee) filed a request to amend the filing dates for annual reports under Settlement Agreement (SA) Article 102 of the license for the Baker River Project.¹ The Baker River Project consists of the Lower Baker Development and the Upper Baker Development. The project facilities are located on the Baker River in Skagit and Whatcom counties, Washington, and currently occupy federal lands within the Mt. Baker-Snoqualmie National Forest administered by the U.S. Forest Service.

BACKGROUND

2. Ordering paragraph (F) of the license requires the licensee to comply with the conditions of the SA.² Article 102 of the SA requires the licensee to file annual reports with the Federal Energy Regulatory Commission (Commission) for Aquatic Resource articles 101 (fish propagation); 103 (upstream fish passage); 104 (connectivity between Lake Shannon and Baker Lake); 105 (downstream fish passage); 106 (flow implementation); 108 (gravel management); 109 (large woody debris); and 110 (shoreline erosion). The licensee is required to allow the Aquatics Resources Group (ARG) 30 days to review and comment on the report(s) prior to filing the report(s) with the Commission.

¹ Order on Offer of Settlement, Issuing New License, and Dismissing Amendment Application as Moot. 125 FERC ¶ 62,064 (issued October 17, 2008).

² The SA was filed with the Commission on November 30, 2004, and was amended by errata filed May 10, 2005, and July 5, 2005. The articles and attachments from the SA are attached to the license as Appendix A.

LICENSEE'S PROPOSAL

3. The licensee states that the various reporting dates stipulated under Article 102 for the aforementioned Aquatic Resource articles are inconsistent with their monitoring and implementation schedules and therefore, require a more condensed and consistent reporting schedule. In addition, the licensee states that revision of the reporting schedules would streamline the reporting process by providing consistent reporting periods, improve the timeliness of the reports, and eliminate a redundant review process by the ARG. Accordingly, the licensee proposes to amend its current aquatic resources reporting schedule under Article 102 and for articles 101 and 103-110 to December 31 annually. The licensee would allow the ARG 60 days to review and comment on the reports prior to filing the respective reports under Article 102 with the Commission. As a result, the licensee would provide its Aquatic Resource articles' draft reports for the previous calendar year (January 1 to December 31) to the ARG by August 31, and the final Article 102 report would be filed with the Commission annually by December 31.

ARG CONSULTATION

4. The licensee's filing included documentation of consultation with the ARG and stated that its revised reporting schedule was approved by consensus of the ARG members on July 14, 2014.

CONCLUSION

5. The licensee's proposal to amend the Aquatic Resource articles' reporting schedules to December 31 annually and file a final report under SA Article 102 with the Commission annually by December 31 will allow scheduling consistency for multiple reports required by the Aquatic Resource articles under the SA and allow the annual reports of each related article to be included in a comprehensive report under Article 102. Therefore, the licensee's amended schedule as proposed should be approved.

The Director orders:

(A) Puget Sound Energy's (licensee) request to amend the annual filing dates for Settlement Agreement (SA) articles 101 through 110, filed September 15, 2014, is approved. The licensee must file its report under SA Article 102 with the Federal Energy Regulatory Commission (Commission) by December 31 annually.

Project No. 2150-122

- 3 -

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2014). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

for Thomas J. LoVullo
Chief, Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-2150-122.DOC.....1-3