

94 FERC ¶ 62,257

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Repap Wisconsin, Inc.  
Consolidated Papers, Inc.  
Stora Enso North America Corporation

Project No. 10674-012

ORDER APPROVING TRANSFER OF LICENSE

(Issued March 27, 2001)

This order approves: (1) the already-completed transfer of the license for Project No. 10674, as requested in the application filed December 29, 2000, by Consolidated Papers, Inc. (Consolidated) and Stora Enso North America Corporation (Stora Enso), from Consolidated to Stora Enso; and (2) the earlier, already-completed transfer of the license from Repap Wisconsin, Inc. (Repap) to Consolidated. The transfers resulted from corporate mergers.

On September 27, 1991, the Commission issued a license to the Midtec Paper Corporation (Midtec) for Project No 10674.<sup>1</sup> Subsequently, Midtec changed its company name to Repap, and in October 1997, Repap was merged into Consolidated and ceased to exist. By letter dated May 25, 1999, the Director of the Commission's Division of Licensing and Compliance advised Consolidated that the merger had resulted in a transfer of the project license from Repap to Consolidated, which required prior Commission approval under Section 8 of the Federal Power Act. However, at that time, Consolidated was undergoing another corporate restructuring that resulted in its merger (which has since been completed) into a newly-created American subsidiary of Stora Enso Oyj, a Finnish paper manufacturer.<sup>2</sup> The American subsidiary, formerly known as Stora Enso Acquisition, Inc., is Stora Enso, the applicant-transferee.

---

<sup>1</sup>56 FERC ¶ 62,226. The 2,013-kilowatt project is located on the Fox River in Outagamie County, Wisconsin.

<sup>2</sup>On March 23, 2000, Consolidated and others filed an application seeking approval of the merger under the requirements of Part II of the FPA, which was approved by order issued June 15, 2000. 91 FERC ¶ 61,275. The merger was completed on August 31, 2000. See the letter to the Commission's Secretary by Consolidated's subsidiary, Consolidated Water Power Company, filed October 3, 2000.

FERC - DOCKETED  
MAR 27 2001

010328-0127-3

Project No. 10674-012

-2-

The two described completed mergers require, and accordingly, the December 29, 2000 application is being treated as a request for, after-the-fact approval of the resulting transfers of the project license from Repap to Consolidated and from Consolidated to Stora Enso.<sup>3</sup> The applicants have acted in good faith to correct any errors, apparently inadvertent, in failing to request prior approval of the transfers of the project license.

Public notice of the transfer application was issued. No comments, protests, or motions to intervene were filed.

## CONCLUSION

Repap and Consolidated have generally complied with the terms and conditions of the license and Consolidated agrees to pay annual charges that have accrued to the date of the transfer.

Stora Enso is not a licensee of the Commission. Therefore, we have no compliance record to review. Nevertheless, Stora Enso is qualified to hold the license and to operate the property under the license, and it has agreed to accept all of the terms and conditions of the license, and to be bound by the license as if it were the original licensee.

The transfers of the license for this project are consistent with the Commission's regulations and are in the public interest.

### The Director orders:

(A) The transfer of the license for Project No. 10674 from Repap Wisconsin, Inc., to Consolidated Papers, Inc., as described in this order, is approved.

(B) The transfer of the license for Project No. 10674 from Consolidated Papers, Inc., to Stora Enso North America Corporation, as described in this order, is approved.

(C) Consolidated Papers, Inc. shall pay all annual charges that accrue up to the effective date of the transfer.

---

<sup>3</sup>The application doesn't mention the former, only the latter, transfer. However, applicants have kept the Commission apprized of their potential transfers in their corporate restructurings.

Project No. 10674-012

-3-

(D) Approval of the respective transfers in paragraphs A and B is contingent upon: (1) transfer of title of the properties under license and delivery of all license instruments to the transferee, which, as applicable, shall be subject to the terms and conditions of the license as though it were the original licensee; and (2) the transferee acknowledging acceptance of this order and its terms and conditions by signing and returning the appropriate attached acceptance sheet. Within 60 days from the date of this order, the transferees shall submit certified copies of all applicable instruments of conveyance and the applicable signed acceptance sheet.

(E) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR 385.713.

A handwritten signature in black ink, appearing to read "Daniel M. Adamson", with a long horizontal flourish extending to the right.

Daniel M. Adamson  
Director  
Office of Energy Projects

Project No. 10674-012

Consolidated Papers, Inc.

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, has caused its corporate name to be signed hereto by \_\_\_\_\_, its President, and its corporate seal to be affixed hereto and attested by \_\_\_\_\_ its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, a certified copy of the record of which is attached hereto.

By \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary  
(Executed in quadruplicate)

Project No. 10674-012

Stora Enso North America Corporation

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, has caused its corporate name to be signed hereto by \_\_\_\_\_, its President, and its corporate seal to be affixed hereto and attested by \_\_\_\_\_ its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, a certified copy of the record of which is attached hereto.

By \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary  
(Executed in quadruplicate)