

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

17 FERC 162,385

Wisconsin Public Service
Corporation)

Project No. 1989-001
~~1989-002~~

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS
AND ACCEPTANCE OF SURRENDER OF MINOR LICENSE

(Issued December 9, 1981)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ Also, the Applicant has requested that its minor license be terminated upon the granting of the exemption. 3/ 4/

Notice of the exemption application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

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- 1/ Wisconsin Public Service Corporation, Project No. 1989, filed on June 1, 1981.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Wisconsin Public Service Corporation filed for surrender of license on July 6, 1981 for Project No. 1989.
- 4/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket ~~NO. 1989-002~~ ^{FEDERAL ENERGY REGULATORY COMMISSION} issued November 21, 1980, (45 Fed. Reg. 79024). DOCKETED

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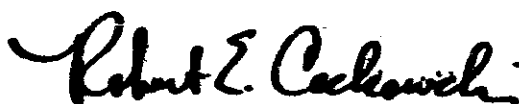
Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) Merrill Dam Project No. 1989 as described and designated in Wisconsin Public Service Corporation application filed on June 1, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980).

(B) The surrender of license by Wisconsin Public Service Corporation, filed July 6, 1981, for the Merrill Dam Project No. 1989 is accepted.

(C) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1980). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.



Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

Document Content(s)

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