APPENDIX 1-2

ORDER GRANTING EXEMPTION FROM LICENSING FOR THE DOWNER’S MILLS PROJECT

DATED MAY 4, 1982
ORDER GRANTING EXEMPTION FROM LICENSING OF
A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

(issued May 4, 1982)

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. 2/3/

Notice of the 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.

1/ Simon Pearce (U.S.), Inc., Project No. 5195, filed on
October 22, 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

3/ Authority to act on this matter is delegated to the Deputy
Director, Office of Electric Power Regulation under §375.308
as amended by Order No. 112 in Docket No. RM81-5, issued

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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) Downers Mill Project No. 5195-001 as described and designated in Simon Pearce (U.S.), Inc.'s application filed on October 22, 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 attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980).

(B) 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) (1981), as amended, 44 Fed. Reg. 46449 (1981). 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. Cashikowski
Deputy Director, Office of
Electric Power Regulation