

146 FERC ¶ 62,053  
 UNITED STATES OF AMERICA  
 FEDERAL ENERGY REGULATORY COMMISSION

Lock 7 Hydro Partners, LLC

Project No. 539-013

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES

(Issued January 23, 2014)

1. On September 23, 2013, and supplemented on January 13, 2014, Lock 7 Hydro Partners, LLC, the licensee for the 2040-kilowatt (kW) Mother Ann Lee Project No. 539, filed an application to amend its license. The project is located on the Kentucky River in Mercer and Jessamine Counties, Kentucky.<sup>1</sup>

**BACKGROUND**

2. The project is authorized with 3 generating units with a total installed capacity of 2,040 MW and a total hydraulic capacity of 2,229 cubic feet per second (cfs). Each of the generating units has a turbine rated at 750 kW with a hydraulic capacity of 743 cfs, connected to a generator rated at 680 kW.

**PROPOSED AMENDMENT**

3. The licensee proposes to upgrade generating Unit 2 by replacing the turbine runner and re-rating the generator. The upgrades would increase the authorized installed capacity of the project from 2,040 kW to 2,209 kW, and the hydraulic capacity from 2,229 cfs to 2,386 cfs. In the filing, the licensee included description of the changes to generating Unit 2. The table below summarizes the project's installed capacity.

<b>Mother Ann Lee Project</b>						
	Licensed			Proposed per Amendment		
	Turbine Rating (kW)	Generator Rating (kW)	Controlling Unit (Generator)	Turbine Rating (kW)	Generator Rating (kW)	Controlling Unit (T or G)
Unit 1	750	680	680	750	680	680(G)
Unit 2	750	680	680	849	850	849(T)
Unit 3	750	680	680	750	680	680(G)
<i>Total AIC (kW)</i>			<b>2,040</b>			<b>2,209</b>

<sup>1</sup> *Kentucky Utilities Company*, 59 FERC ¶ 62,186 (1992), *Lock 7 Hydro Partners, LLC*, 113 FERC ¶ 62,150 (2005), and *Lock 7 Hydro Partners, LLC*, 130 FERC ¶ 62,085 (2010).

## CONSULTATION

4. Prior to filing its amendment application, by letters dated July 9, 2013, the Applicant sent out copies of the draft license amendment application to the consulting agencies that have been traditionally involved with FERC hydropower licensing in Kentucky: U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. National Park Service, U.S. Department of the Interior, National Marine Fisheries Service, Kentucky River Authority, Kentucky Department of Natural Resources, Kentucky Department of Fish and Wildlife Resources, Kentucky State Historic Preservation Office(Kentucky SHPO), Kentucky Department of Parks, and Salt River Electric.
5. The Kentucky SHPO, by letter dated July 23, 2013, states that the replacement of turbine runner for Unit 2 will not impact any National Register properties or sites and that consultation under section 106 of the National Historic Preservation Act has been fulfilled.
6. On November 12, 2013, we issued a public notice of the amendment application, with December 30, 2013 deadline for filing comments, motions to intervene, and protests. We received no comments.

## REVIEW

### Installed Capacity

7. The new turbine runner for Unit 2 would increase the installed capacity from 750 kW to 849 kW and the hydraulic capacity from 743 cfs to 900 cfs. Consequently, the project's total authorized installed capacity would increase from 2,040 kW to 2,209 kW and the annual charges under license article 201 will be revised, as shown in ordering paragraph (D) of this order.

### Revised Exhibit A

8. The filing includes a description of the changes to generating Unit 2, but did not include a revised Exhibit A to reflect the changes. Ordering paragraph (C) of this order requires the licensee to file a revised Exhibit A to include the changes to Unit 2, within 30 days of the issuance date this order.

### Construction

9. The proposed upgrade would not involve any changes to the project's civil works or other project features associated with replacing the Unit 2 runner. Ordering paragraph (F) of this order requires the licensee to commence and complete construction of the

project works authorized in this order within 1 year and 2 years of the issuance date of this order, respectively.

### As-Built Exhibits

10. In ordering paragraph (E) we are requiring the licensee to file, within 60 days after completion of construction, revised exhibit A, as applicable, to show and describe the project facilities as-built. This would only be required if completed construction on Unit 2 is different than authorized in this order.

### Environmental Analysis

11. As stated above, prior to filing its amendment application with the Commission, the licensee provided the application to the resource agencies for review and comment. In response, the licensee received a letter from the Kentucky SHPO stating that there will be no historic properties affected by the proposed amendment. No other resource agencies commented on the application. In addition, no resource agencies responded to the Commission's public notice of the proposed amendment.

12. The proposed turbine runner replacement does not involve any ground disturbing activities. The replacement of the turbine runner and associated activities would take place within the powerhouse and therefore will not impact any terrestrial or land use resources.

13. The turbine runner replacement would not change project operations but would increase the hydraulic capacity of the project from 2,229 cfs to 2,386 cfs. Therefore, inflow between 2,229 and 2,386 cfs would pass through the powerhouse instead of spilling over the dam as it currently does. This would decrease the amount of spill over the dam, however, it would not affect flow or habitat downstream of the project and no concerns regarding aquatic resources have been identified.

### **CONCLUSION**

14. For the reasons discussed above, the licensee's proposal to replace the turbine runner for Unit 2 would have no effect on fish and wildlife, land use, recreation resources, or cultural resources. Therefore, we conclude that issuance of this order will not constitute a major federal action significantly affecting the quality of the human environment. In ordering paragraph (B) of this order, we will revise the project description. In ordering paragraph (C) we will require the licensee to file revised Exhibit A to include the changes to Unit 2. In ordering paragraph (D) we will revise the annual charges under license article 201, effective with the issuance date of this order. In ordering paragraph (E) we will require the licensee to file after completion of construction, revised exhibit A, as applicable, to show and describe the project facilities

as-built. In ordering paragraph (F) we will require the licensee to commence and complete construction of the project works authorized in this order within 1 year and 2 years of the issuance date of this order, respectively.

The Director orders:

(A) The license for the Mother Ann Lee Project, FERC No. 539, is amended as provided by this order, effective the day this order is issued.

(B) Item (e) under ordering paragraph (B)(2) of the license, is revised to read as follows:

(e) a 93-foot-long, 25-foot-wide and 6.5-foot-high superstructure/powerhouse located above the spillway supported by hollow concrete piers, with three generating units (2 units, each having a 750-kilowatt (kW) turbine connected to 680-kW generator, and one unit with a 849-kW turbine connected to a 850-kW generator) having a total authorized installed capacity of 2,209 kW, and a total hydraulic capacity of 2,386 cfs;

(C) Within 30 days from the issuance date of this order, the licensee shall file a revised Exhibit A to reflect the changes to Unit 2 as authorized in this order.

(D) Item (a) of Article 201 of the license is revised to read as follows:

(a) Reimbursing the United States for the cost of administration of Part I of the Federal Power Act. The authorized installed capacity for that purpose is 2,209 kilowatts, effective with the issuance date of this order.

(E) Within 60 days of completion of construction of the facilities authorized by this amendment, the licensee shall file for Commission approval, revised Exhibit A, as applicable, to reflect as-built conditions of the project; only required if completed construction on Unit 2 is different than authorized in this order. A courtesy copy shall be filed with the Commission's Division of Dam Safety and Inspections – Atlanta Regional Office. The filing shall also include a copy of nameplate photos for each of the upgraded generating units authorized in this amendment.

(F) The licensee shall commence construction of the project works authorized in this order within 1 year of the issuance date of this order and shall complete construction within 2 years of the issuance date of this order.

Project No. P-539-013

- 5 -

(G) 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. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2013). 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.

M. Joseph Fayyad  
Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

P-539-013.DOC.....1-5