

161 FERC ¶ 62,029

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Arkansas Electric Cooperative Corporation

Project No. 3033-023

ORDER AMENDING LICENSE, APPROVING REVISED EXHIBIT A, MODIFYING
AND APPROVING REVISED EXHIBIT G DRAWINGS, REVISING PROJECT
DESCRIPTION, AND REVISING ANNUAL CHARGES

(Issued October 13, 2017)

1. On September 5, 2017,¹ Arkansas Electric Cooperative Corporation, licensee for the Dam No. 2 Hydropower Project No. 3033,² filed a non-capacity license amendment application to remove the project's transmission line from the license. The licensee included a revised Exhibit A and G for Commission approval with its application. The project is located on the Arkansas River in Desha and Arkansas counties, Arkansas. The project utilizes the water power potential of the U.S. Army Corps of Engineers' (Corps) dam and occupies federal lands under the jurisdiction of the Corps.

Background

2. The project, as amended,³ consists of: (1) a reinforced concrete powerhouse, 173.5 feet wide by 208.5 feet long, located 400 feet downstream from the dam axis and containing three horizontal shaft turbines each rated @ 36.0 MW under a maximum head of 40 feet, connected to three synchronous generators each rated @ 36.0 MVA (34.2 MW) with a power factor of 0.95; (2) headrace and tailrace channels; (3) 6.9-kV

¹ This filing includes an amended application to supersede the application filed on June 19, 2017. The licensee filed the amended application in response to a July 5, 2017 additional information request letter from Commission staff.

² *Arkansas Electric Cooperative Corporation, Riceland Electric Cooperative, Inc. and C&L Electric Cooperative, Inc.*, 24 FERC ¶62,160 (1983).

³ *Arkansas Electric Cooperative Corporation*, 70 FERC ¶ 62,005 (1995). *Arkansas Electric Cooperative Corporation*, 100 FERC ¶ 62,138 (2002). *Arkansas Electric Cooperative Corporation*, 105 FERC ¶ 62,127 (2003).

generator leads; (4) three main step-up transformers; (5) a 115-kV transmission line 15.5 miles long; and (6) appurtenant mechanical and electric facilities and equipment.

3. Article 42 of the license, as amended, requires the licensee to pay the United States for the following annual charges:

- (a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act, a reasonable amount, as determined in accordance with the provisions of the Commission's regulations in effect from time to time. Effective the first day of the month in which the Commission issues this amendment,⁴ the authorized installed capacity for that purpose is 136,800 horsepower.
- (b) Effective the first day of the month in which the Commission issued the license, for the purpose of recompensing the United States for utilization of surplus water or water power from the Government dam, an amount to be hereafter determined by the Commission.
- (c) For the purpose of reimbursing the United States for the use, occupancy, and enjoyment of 34.7 acres of its lands for transmission line right-of-way, such amount as may be determined from time to time pursuant to the Commission's regulations.⁵

Proposed Amendment

4. The licensee's amendment application explains that it has constructed a new 115-kV transmission line extending from the Dam 2 Switching Station to the existing Entergy Arkansas Incorporated Gillet 115-kV Substation in Desha and Arkansas counties, Arkansas. The new transmission line operates as part of a new looped system to improve operational reliability, low voltage conditions, and existing area transmission line overloads during certain contingencies in the east-central Arkansas service areas. Now that this new transmission line is operational, the existing 15.5 mile-long, 115-kV transmission line no longer qualifies as a "primary transmission line" under Part 1 of the Federal Power Act (FPA).⁶ Therefore, the licensee is requesting to remove the transmission line from the license and to revise the annual charges under Article 42(c) of the license to reflect removal of the transmission line.

⁴ *Arkansas Electric Cooperative Corporation*, 70 FERC ¶ 62,005 (1995).

⁵ *Arkansas Electric Cooperative Corporation*, 105 FERC ¶ 62,127 (2003).

⁶ 16 U.S.C. § 825l (2012).

5. The licensee included a complete revised Exhibit A and revised Exhibit G-1 and G-2 drawings with its application for Commission approval. The licensee requests to remove the approved Exhibit G-3 drawing as it is no longer necessary.

Pre-filing Consultation

6. In developing its application and in response to the July 5, 2017 additional information request letter from Commission staff, the licensee, on July 14, 2017, sent a draft application to state and federal agencies, tribes, and other stakeholders. Section H of the amendment application provides a summary of the consultation and Attachment 7 provides documentation of the consultation. The licensee did not receive any substantial comments on the application.

Review

A. Amendment

7. The test applied by the Commission to define what a “primary transmission line” is for FPA Part I purposes is that primary lines are:

“...those necessary to ensure the ‘viability’ of the project in the event of Federal takeover. If a line ‘is used solely to transmit power from [Commission] licensed projects to load centers,’ and if without it there would be no way to market the full capacity of the project, ‘then that line is primary to the project’...”⁷

8. We have reviewed the information in the licensee’s filings and agree the transmission line is no longer solely used to transmit power from the project to load centers. Two 115-kV transmission lines, owned by Entergy Arkansas Incorporated, with the interconnection point at the project’s switching station, now serve the project. The licensee’s amendment application to remove the 15.5 mile-long, 115-kV transmission line from the license should be approved. Approval of the amendment is administrative in nature as the licensee is not physically removing the transmission line and only removes the transmission line from the license as it no longer qualifies as a “primary transmission line.”

B. Revised Exhibits

9. We have reviewed the revised Exhibit A filed on September 5, 2017, and the licensee has accurately revised the exhibit to reflect removal of the transmission line. The licensee has also made minor revisions to the Exhibit A to accurately reflect as-built

⁷ *Pacific Gas and Electric*, 85 FERC ¶ 61,411 (1998).

conditions of the project. The Exhibit A conforms to the Commission's rules and regulations and should be approved, superseding any previous Exhibit A.

10. Our review of the revised Exhibit G drawings found that the licensee has revised the drawings to reflect removal of the transmission line. We georeferenced the drawings and find them to be in agreement with our current mapping requirements. The revised drawings filed with the licensee's September 5, 2017 amended application do not include a stamp of a registered land surveyor; however, the drawings initially filed on June 19, 2017, include the surveyor stamp. The licensee only made minor revisions to the Exhibit G drawings filed on June 19, 2017, in response to the July 5, 2017 additional information request letter from Commission staff. The licensee must modify the drawings included in the September 5, 2017 application to include a surveyor stamp as required by ordering paragraph (D) of this order. The drawings submitted, as modified by this order, conform to the Commission's rules and regulations and should be approved. In ordering paragraph (D), we are also requiring the licensee to file the approved exhibit drawings and associated geographic information system data in electronic file format. We agree with the licensee that the Exhibit G-3 drawing is no longer necessary with removal of the transmission line; therefore, ordering paragraph (E) of this order deletes the Exhibit G-3 drawing from the license.

11. Ordering paragraph (F) of this order revises the project description in ordering paragraph (B)(2) of the license to reflect the removal of the transmission line from the license consistent with the revised Exhibits A and G.

C. Annual Charges

12. The Commission collects annual charges from licensees for administration of the FPA.⁸ Article 42 of the license provides for the collection of funds for administration of the FPA based on the authorized installed capacity of the project, utilization of surplus water or water power from the Government dam, and the use, occupancy, and enjoyment of federal lands for transmission line right-of-way. Ordering paragraph (G) of this order revises Article 42 of the license to remove subparagraph (c) of Article 42 as the project no longer occupies federal lands for transmission line right-of-way with removal of the transmission line from the project.

13. During our review of the amendment application, we identified that annual charges for the administration of the FPA based on the authorized installed capacity of the project in subparagraph (a) of Article 42 is expressed in horsepower (136,800 horsepower). The Commission's current policy is to express the authorized installed capacity in kilowatts; therefore, ordering paragraph (G) of this order also revises

⁸ 16 U.S.C. § 803(e) (2012).

subparagraph (a) of Article 42 to reflect the authorized installed capacity of 102,600 kilowatts.⁹

The Director orders:

(A) Arkansas Electric Cooperative Corporation's non-capacity amendment application to remove the transmission line from the license for the Dam No. 2 Hydropower Project No. 3033, filed on September 5, 2017, is approved.

(B) The revised Exhibit A, filed September 5, 2017, conforms to the Commission's rules and regulations and this order approves the Exhibit A and makes it part of the license. The previous Exhibit A is eliminated from the license.

(C) The following Exhibit G drawings, filed September 5, 2017, as modified by ordering paragraph (D) of this order to include a surveyor stamp, conform to the Commission's rules and regulations and this order approves the drawings and makes them part of the license:

Exhibit	FERC Drawing No.	FERC Superseded Drawing No.	Title
G-1	3033-22	3033-19	Location Map
G-2	3033-23	3033-20	Project Boundary Map

(D) Within 45 days of the date of issuance of this order, as directed below, the licensees must file two sets of the approved exhibit drawings, Form FERC-587, and geographic information system (GIS) data in electronic file format on compact disc with the Secretary of the Commission, ATTN: OEP/DHAC.

a) Digital images of the approved exhibit drawings must be prepared in electronic format. Prior to preparing each digital image, the FERC Project-Drawing Number (i.e., P-3033-22 through P-3033-23) must be shown in the margin below the title block of the approved drawing. Each drawing must be a separate electronic file, and the file name must include: FERC Project-Drawing Number, FERC Exhibit, Drawing Title, date of this order, and file extension in the following format [P-3033-22, G-1, Location Map, MM-DD-YYYY.TIF].

Each Exhibit G drawing that includes the project boundary must contain a minimum of three known reference points (i.e., latitude and longitude coordinates, or

⁹ See 18 C.F.R. § 11.1(i) (2017).

state plane coordinates). The points must be arranged in a triangular format for GIS georeferencing the project boundary drawing to the polygon data, and must be based on a standard map coordinate system. The spatial reference for the drawing (i.e., map projection, map datum, and units of measurement) must be identified on the drawing and each reference point must be labeled. In addition, a registered land surveyor must stamp each project boundary drawing. All digital images of the exhibit drawings must meet the following format specification:

IMAGERY:	black & white raster file
FILE TYPE:	Tagged Image File Format, (TIFF) CCITT Group 4 (also known as T.6 coding scheme)
RESOLUTION:	300 dots per inch (dpi) desired, (200 dpi minimum)
SIZE FORMAT:	22" x 34" (minimum), 24" x 36" (maximum)
FILE SIZE:	less than 1 megabyte desired

A third set of the electronic files and a copy of Form FERC-587 must be filed with the Bureau of Land Management offices at the following address:

Bureau of Land Management
Branch of Lands (ES-930)
20 M Street S.E.
Washington DC 20003

Form FERC-587 is available through the Commission's website at the following URL: <http://www.ferc.gov/docs-filing/forms/form-587/form-587.pdf>. Although instruction no. 3 requires microfilm copies of the project boundary maps in aperture card format, electronic copies that meet the digital specifications in this ordering paragraph should be substituted. If the FERC-587 cannot be downloaded from the Internet, a hard copy may be obtained by mailing a request to the Secretary of the Commission.

b) Project boundary GIS data shall be in a georeferenced electronic file format (such as ArcView shape files, GeoMedia files, MapInfo files, or a similar GIS format). The filing must include both polygon data and all reference points shown on the individual project boundary drawings. An electronic boundary polygon data file(s) is required for each project development. Depending on the electronic file format, the polygon and point data can be included in single files with multiple layers. The georeferenced electronic boundary data file must be positionally accurate to ± 40 feet in order to comply with National Map Accuracy Standards for maps at a 1:24,000 scale. The file name(s) must include: FERC Project Number, data description, date of this order, and file extension in the following format [P-3033, boundary polygon/or point data, MM-DD-YYYY.SHP].

The filing must be accompanied by a separate text file describing the spatial reference for the georeferenced data: map projection used (i.e., UTM, State Plane, Decimal Degrees, etc.), the map datum (i.e., North American 27, North American 83, etc.), and the units of measurement (i.e., feet, meters, miles, etc.). The text file name must include: FERC Project Number, data description, date of this order, and file extension in the following format [P-3033, project boundary metadata, MM-DD-YYYY.TXT].

In addition, for those projects that occupy federal lands, a separate georeferenced polygon file(s) is required that identifies transmission line acreage and non-transmission line acreage affecting federal lands for the purpose of meeting the requirements of 18 C.F.R. §11.2. The file(s) must also identify each federal owner (e.g., BLM, Forest Service, Corps, etc.), land identification (e.g., forest name, Section 24 lands, national park name, etc.), and federal acreage affected by the project boundary. Depending on the georeferenced electronic file format, the polygon, point, and federal lands data can be included in a single file with multiple layers.

(E) This order deletes the approved Exhibit G-3 drawing, FERC Drawing Number P-3033-21, from the license.

(F) This order revises ordering paragraph (B)(2) of the license to read as follows:

(2) project works consisting of: (1) a reinforced concrete powerhouse, 173.5 feet wide by 208.5 feet long, located 400 feet downstream from the dam axis and containing three horizontal shaft turbines each rated at 36.0 megawatts (MW) under a maximum head of approximately 40 feet, connected to three synchronous generators each rated at 36.0 MVA with a power factor of 0.95 (34.2 MW); (2) headrace and tailrace channels; (3) 6.9-kV generator leads; (4) three main step-up transformers; and (5) appurtenant mechanical and electric facilities and equipment.

The project works are more specifically described and shown in project Exhibits A and F.

(G) This order revises Article 42 of the license to read as follows:

Article 42. The licensee shall pay the United States for the following annual charges:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act, a reasonable amount, as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 102,600 kilowatts.

(b) Effective the first day of the month in which the Commission issued the license, for the purpose of recompensing the United States for utilization of surplus water or water power from the Government dam, an amount to be hereafter determined by the Commission.

(H) 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 § 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2017). 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.

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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