

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Water Power Development Corporation) Project No. 3222-000
Spaulding Fibre Company, Inc.) Project No. 3984-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS
AND DENYING COMPETING APPLICATION FOR PRELIMINARY PERMIT

(June 30, 1981)

The Applicants 1/ filed competing applications, one 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 and the other for a preliminary permit under Section 4(f) of the Federal Power Act, 16 U.S.C. §797(f), for proposed water power projects, to be located at an existing dam. These projects are described in the attached public notices. 2/ 3/

Notices of the applications were published in accordance with Section 408 of the Act, Section 4(f) of the Federal Power 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.

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.

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- 1/ Project Manager List: Water Power Development Corporation filed for a preliminary permit for Project No. 3222 on June 20, 1980; Spaulding Fibre Company, Inc., filed for an exemption for Project No. 3984 on January 9, 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/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation under 18 C.F.R. §375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

DC-A-64

SECRET SECTION

Competing Applications

Consistent with Section 4.104(e)(1) of the Commission's regulations, which states that the Commission will favor applications for exemptions over applications for preliminary permits, this exemption is issued to the Applicant described in Ordering Paragraph (A).

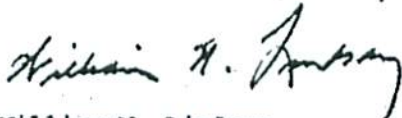
It is ordered that:

(A) The South Milton Project No. 3984 as described and designated in the Spaulding Fibre Company, Inc.'s application filed on January 9, 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 application for preliminary permit for Project No. 3222 filed on June 20, 1980, is denied.

(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)(1979), as amended, 44 Fed. Reg. 46449 (1979). 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.

(S E A L)



William W. Lindsay
Director, Office of Electric
Power Regulation

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FEDERAL ENERGY
REGULATORY COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

SFR Hydro Corporation)
_____)

Docket No. QF86-1062-001

NOTICE OF QUALIFYING SMALL
POWER PRODUCTION FACILITY STATUS

Pursuant to section 292.207(a)(2) of the regulations of the Federal Energy Regulatory Commission ("FERC" or "Commission"), 18 C.F.R. § 292.207(a)(2), SFR Hydro Corporation, a New Hampshire corporation, hereby furnishes notice to the Commission that it is the owner and operator of a small power production facility, the South Milton Hydroelectric Project, FERC Project No. 3984, which is a qualifying facility within the meaning of sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), 16 U.S.C. §§796, 824a-3, and 18 C.F.R. § 292.203 of the Commission's regulations.

This notice is being filed to reflect a change in ownership of the South Milton facility from Hydro-Op One Associates to SFR Hydro Corporation. Hydro-Op One Associates filed a Notice of Qualifying Small Power

Production Facility Status on September 12, 1986. SFR Hydro Corporation is a wholly-owned subsidiary of Hydro-Op One Associates. Neither SFR Hydro Corporation nor Hydro-Op One Associates is an electric utility, an electric utility holding company, or a person owned by either.

In addition, the power production capacity of the South Milton facility has increased from 1.045 megawatts to 1.350 megawatts. No other technical aspects of the facility have changed.

Pursuant to section 292.207(a)(2), SFR Hydro Corporation submits the following information:

Section 292.207(b)(2)(i). Name and Address of Applicant and Location of Facility.

The address and principal place of business of SFR Hydro Corporation are:

SFR Hydro Corporation
c/o National Hydro Corporation
99 Bedford Street
Boston, Massachusetts 02111-2217

The South Milton facility is located in Strafford County, New Hampshire and York County, Maine near South Milton, New Hampshire and utilizes the water resources of the Salmon Falls River. The South Milton facility has been docketed by the Commission as Project No. 3984 for purposes of receiving authorization under the Federal Power Act.

Section 292.207(b)(2)(ii). Description of the Facility. The South Milton facility is a small power production facility located at an existing dam. Electrical energy is produced through the use of four hydraulic turbines with connected generators. Electricity produced is sold to Public Service Company of New Hampshire.

Section 292.207(b)(2)(iii). Primary Energy Source of the Facility. The primary energy source of the South Milton facility is falling water.

Section 292.207(b)(2)(iv). Power Production Capacity of the Facility. The power production capacity of the South Milton facility is 1.350 megawatts. As used in this Notice, the "power production capacity" of the facility is its maximum net output and is equal to gross design capacity less full auxiliary load.

Section 292.207(b)(2)(v). Percentage of Ownership by Any Electric Utility Company, Electric Utility Holding Company, or Any Company Owned by Either. Neither SFR Hydro Corporation nor any entity owning an interest in SFR Hydro Corporation is an electric utility, an electric utility holding company, or a person owned by either.

Section 292.207(b)(3)(i). Location of Other Small Power Production Facilities. No other facility owned by SFR Hydro Corporation is located within one mile of the South Milton facility and uses water from the same impoundment for power generation.

Section 292.207(b)(3)(ii). Information Identifying Any Planned Use of Natural Gas, Oil, or Coal. Because the energy source of the South Milton facility is wholly hydropower, no fossil fuels are used.

Respectfully submitted,



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December 20, 1989