

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

TransCanada Hydro Northeast Inc.)	Project Nos. 1855-048
)	1892-028
)	1904-076

**MOTION TO INTERVENE AND COMMENTS
OF FIRSTLIGHT HYDRO GENERATING COMPANY
IN SUPPORT OF REQUEST FOR LICENSE EXTENSION**

Pursuant to Rules 212 and 214¹ of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure and the Commission's January 30, 2015 Notice of Application Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests,² FirstLight Hydro Generating Company (FirstLight) hereby comments and moves to intervene in TransCanada Hydro Northeast Inc.'s (TransCanada) Request for Extension of License Term for the Bellows Falls Project, Wilder Project, and Vernon Project, filed January 16, 2015 (Request).³ In support of this motion and comments, FirstLight states the following:

I. COMMUNICATIONS

All communications, correspondence, and documents related to this filing should be directed to the following persons:

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¹ 18 C.F.R. §§ 385.212, 385.214 (2014).

² Notice of Application Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests, Project Nos. 1904-076, *et al.* (issued Jan. 30, 2015) (setting a deadline of March 2, 2015 for filing comments, motions to intervene, and protests).

³ Request for Extension of License Term for the Bellows Falls Project (P-1855), Wilder Project (P-1892), and Vernon Project (P-1904), Project Nos. 1904-076, *et al.* (filed Jan. 16, 2015) [hereinafter, Request].

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II. BACKGROUND AND INTEREST OF FIRSTLIGHT

FirstLight is the licensee of the 67.7 megawatt (MW) Turners Falls Hydroelectric Project, FERC Project No. 1889 (Turners Falls), and the 1,143.0 MW Northfield Mountain Pumped Storage Project, FERC Project No. 2485 (Northfield Mountain). The current license for Turners Falls was issued in 1980 for a term of 38 years,⁴ while the current license for Northfield Mountain was issued in 1968 for the Federal Power Act (FPA) maximum term of 50 years.⁵ Both licenses expire on April 30, 2018.

Turners Falls and Northfield Mountain are located on the Connecticut River in the states of Massachusetts, New Hampshire, and Vermont, directly downstream from TransCanada's Vernon, Bellows Falls, and Wilder Hydroelectric Projects. The Turners Falls Dam is located approximately 20 miles downstream from Vernon Dam, and the Northfield Mountain tailrace is approximately 15 miles downstream from Vernon Dam. The Bellows Falls and Wilder Projects are located approximately 52 and 95 miles upstream of the Turners Falls Dam, and approximately 47 and 90 miles upstream of the Northfield Mountain tailrace, respectively.

Operation of Turners Falls is governed by the magnitude of river flows, which are largely determined by discharge from the Vernon, Bellows Falls, and Wilder Projects, as well as other upstream hydropower projects. The Vernon Project license requires

⁴ *W. Mass. Elec. Co.*, 11 FERC ¶ 61,124 (1980).

⁵ *W. Mass. Elec. Co.*, 39 FPC 723 (1968); 16 U.S.C. § 799 (2012).

TransCanada to coordinate Vernon Project operations with FirstLight,⁶ and the licenses for Wilder, Bellows Falls, Vernon, and Turners Falls include coordinated minimum flow requirements.⁷ Consistent with the Commission's policy of coordinating the expiration dates of projects in the same river basin to maximize consideration of cumulative impacts at relicensing,⁸ the Commission set the same license expiration date—April 30, 2018—for all five projects.

Accordingly, Turners Falls, Northfield Mountain, Vernon, Bellows Falls, and Wilder are in the same stage of relicensing using the Commission's integrated licensing process (ILP). FirstLight and TransCanada carefully coordinated the filing of their respective pre-application documents to enable the Commission precisely to synchronize the ILP deadlines for all five projects.⁹ Commission staff conducted its environmental scoping for all five projects together, and has indicated its intent to prepare a multi-project environmental impact statement.¹⁰

As TransCanada explained in its Request, the ILP schedule for relicensing the five projects has been affected by the closure of Vermont Yankee Nuclear Power Plant (Vermont Yankee) which, until it was decommissioned at the end of December 2014, discharged cooling water into the reservoir of the Vernon Project. Because the operation of Vermont Yankee increased Connecticut River water temperatures within the Vernon reservoir and downstream through Turners Falls, the Commission found that many of FirstLight's—and TransCanada's—studies could produce unusable data if conducted as

⁶ *New England Power Co.*, 59 FERC ¶ 62,267 at p. 63,598 (1992) (Art. 304).

⁷ *W. Mass. Elec. Co.*, 11 FERC ¶ 61,124 at p. 61,271 (1980) (Art. 34).

⁸ 18 C.F.R. § 2.23.

⁹ Both licensees filed their pre-application documents on October 31, 2012.

¹⁰ Scoping Document 2 for the Wilder, Bellows Falls, Vernon, and Turners Falls Hydroelectric Projects, and the Northfield Mountain Pumped Storage Project at 2, Project Nos. 1892-026, *et al.* (issued Apr. 15, 2013).

scheduled in 2014.¹¹ The Commission therefore postponed its study plan determination for the majority of FirstLight’s studies—and many of TransCanada’s studies—until February 2014, requiring that a number of studies be conducted in 2015 and 2016 rather than 2014 and 2015.¹² As a result, the deadline for 10 of FirstLight’s aquatic studies is March 1, 2016¹³—three months after the December 2, 2015 deadline for FirstLight to file its draft license application. Moreover, the deadline for two of FirstLight’s final study plans is March 1, 2017¹⁴—well after the statutory deadline of April 30, 2016 for FirstLight to file its final license application.¹⁵

III. MOTION TO INTERVENE

Given FirstLight’s ongoing relicensing process for Turners Falls and Northfield Mountain, which are immediately downstream of TransCanada’s three projects undergoing a coordinated, simultaneous relicensing, FirstLight has a substantial interest in TransCanada’s request to extend the term of the Vernon, Wilder, and Bellows Falls Projects, and effectively extend the relicensing process for all five projects. Accordingly, FirstLight has a direct and substantial interest in the outcome of this proceeding that cannot be adequately represented by any other party. It is both appropriate and in the public interest that FirstLight be permitted to intervene in this proceeding.¹⁶

IV. COMMENTS IN SUPPORT OF TRANSCANADA’S REQUEST

As explained above and in TransCanada’s Request, the closure of Vermont Yankee has created the unusual circumstance in which many of the studies for relicensing

¹¹ Study Plan Determination at 2, Project Nos. 1889-081, *et al.* (issued Sept. 13, 2013).

¹² Study Plan Determination for Aquatic Studies, Project Nos. 2485-063, *et al.* (issued Feb. 21, 2014).

¹³ *Id.* at Appendix C.

¹⁴ *Id.*

¹⁵ 16 U.S.C. § 808(c).

¹⁶ 18 C.F.R. §§ 385.214(b)(2)(ii), (iii).

the Connecticut River hydropower projects will not be complete in time to inform the licensees' analyses of project impacts and development of appropriate protection, mitigation, and enhancement measures for inclusion in the draft and final license applications, given the current license expiration dates for all five projects. Extending the licenses and associated filing deadlines will remedy that problem for the TransCanada projects.¹⁷ FirstLight does not have the option of seeking its own license extensions because the license for Northfield Mountain is already at the maximum term allowed under the FPA.¹⁸ Thus, FirstLight's final license application will necessarily be incomplete.

However, as TransCanada points out in its Request, the Commission's meaningful environmental review of the projects will be delayed irrespective of FirstLight's inability to extend its own license term, as the closure of Vermont Yankee has delayed so many of the key relicensing studies for all of the projects.¹⁹ As long as the Commission continues to process all five projects together—which FirstLight has every reason to believe will be the case—extending the licenses of the TransCanada projects will benefit the relicensing process for the FirstLight projects as well.

¹⁷ To that end, FirstLight notes that the New Hampshire Fish and Game Department (NHFGD) and Massachusetts Division of Fisheries and Wildlife (MDFW) have expressed their support for TransCanada's Request. See Letter from Glenn Normandeau, NHFGD, to Kimberly Bose, FERC, Project Nos. 1855-045, *et al.* (filed Jan. 26, 2015); Letter from Caleb Slater, MDFW, to Kimberly Bose, FERC, Project Nos. 1904-076, *et al.* (filed Feb. 10, 2015).

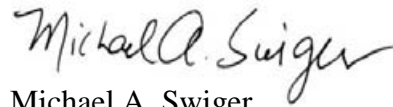
¹⁸ FirstLight sees no benefit in seeking a license extension for Turners Falls alone.

¹⁹ Request at 5.

V. CONCLUSION

For the reasons discussed above, FirstLight requests that the Commission grant its motion to intervene in this proceeding and grant TransCanada's Request.

Respectfully submitted,



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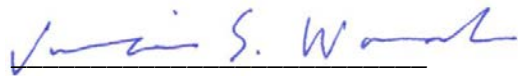
Counsel for FirstLight Hydro Generating
Company

DATED: February 20, 2015

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service lists compiled by the Secretary in these proceedings.

Dated at Washington, DC, this 20th day of February 2015.



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