

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Energie Group, LLC

Project No. 12684-003

ORDER REJECTING REQUEST FOR REHEARING
AND DENYING RECONSIDERATION

(Issued October 30, 2006)

1. In this order, we reject Energie Group, LLC's (Energie) request for rehearing and deny reconsideration of the Commission's September 6, 2006 Order denying rehearing of the rejection of Energie's application for a license to construct and operate the Williams Dam Project No. 12684.¹

Background

2. On June 7, 2006, Energie submitted a license application, which was docketed Project No. 12684. On June 19, 2006, the Commission rejected Energie's license application, citing its conclusion in prior orders that Energie and any other entity under the control and direction of Elaine Hitchcock are unfit to hold a license.²

3. In response, Energie and Ms Hitchcock timely filed a "request for reinstatement of license [application] or, in the alternative, request for rehearing." On September 6, 2006,

¹ 116 FERC ¶ 61,220 (2006). Energie also filed this pleading in Project No. 12454. However, we have completed action in the proceeding and the orders issued therein are now before the court of appeals. *See Energie Group, LLC*, 109 FERC ¶ 62,225, *reh'g denied*, 111 FERC ¶ 61,072 (2005), *appeal filed, Energie Group, LLC, et al. v. FERC*, D.C. Cir. No. 05-1206 (June 15, 2005).

² *See* Letter to Stacy Harriot, Energie, from Ann F. Miles, Director, Division of Hydropower Licensing, June 19, 2006.

the Commission denied the request for rehearing of the June 19, 2006 letter order. The Commission concluded that Energie provided no additional facts or arguments that would warrant a different result.³

4. On October 6, 2006, Energie filed the instant pleading which it styled “reconsideration request, request for reinstatement” of Energie’s license to construct and operate the Williams Dam Project No. 12684.

Discussion

5. To the extent Energie seeks rehearing of our earlier order denying rehearing, we must reject the filing. Rehearing of an order on rehearing is proper when the order on rehearing modifies the result reached in the original order in a manner that gives rise to a wholly new objection. Rehearing of an order on rehearing does not lie where a party seeks merely to supplement the record with additional evidence. The September 6, 2006 Order did not reach a different result from the original order, and rehearing of that order does not lie.⁴

6. To the extent Energie seeks reconsideration of the September 6, 2006 Order, we deny the request. The Commission’s policy is to entertain a party’s motion for reconsideration of a rehearing order where the party believes the Commission may have overlooked or misunderstood facts or arguments set forth in the party’s rehearing request.⁵ The arguments presented by Energie simply reiterate arguments raised in its prior rehearing request and addressed in our prior order. No further discussion is warranted, and we accordingly deny reconsideration.⁶

³ 116 FERC ¶ 61,220 at P 23 (2006).

⁴ *See, e.g., Duke Power*, 114 FERC ¶ 61,148 at P 2 (2006).

⁵ *See, e.g., Clifton Power Corp.*, 94 FERC ¶ 61,346 at 62,277 (1999).

⁶ Energie asks about the status of an earlier preliminary permit application filed by it on September 28, 2001, in Project No. 12127. That application was deemed withdrawn when Energie filed a subsequent permit application for the site in Project No. 12454.

The Commission orders:

(A) The request for rehearing filed on October 6, 2006, by Energie Group, LLC is rejected.

(B) The request for reconsideration filed on October 6, 2006, by Energie Group, LLC is denied.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.