

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

PacifiCorp

Project No. 2659-023

ORDER GRANTING REHEARING

(Issued May 18, 2006)

1. On March 21, 2006, Commission staff issued an order approving standard operating procedures and a monitoring plan for meeting minimum flow and ramping rate requirements for the remaining term of PacifiCorp's license for its Powerdale Project No. 2659 on the Hood River in Hood County, Oregon.¹ Ordering Paragraph (B) of the order requires PacifiCorp to notify the Commission and specified entities if the ramping rate exceeds two inches per hour.
2. On April 19, 2006, PacifiCorp filed a request for rehearing seeking modification of the reporting requirement. Specifically, it asks that it be required to report deviations in ramping rates when the rate exceeds three inches per hour, not two inches per hour as is currently required.
3. PacifiCorp explains that the project is not physically capable of ensuring compliance with a two-inch-per-hour ramping rate under all flow conditions. Thus, the project's license requires that PacifiCorp make reasonable efforts to limit ramping in the project's bypass reach to no more than two inches per hour, but that in no event shall such ramping exceed three inches per hour.² PacifiCorp

¹114 FERC ¶ 62,281. The plan is required by the Commission's order accepting surrender, with a delayed effective date, of the license in accordance with the terms of a settlement agreement regarding interim operation and decommissioning of the project. *See* 113 FERC ¶ 62,148 at 64,434 (2005).

²*See Id.* at 64,440. The requirement is included in the license as a condition of the project's water quality certification (Condition 2c(1)), and is consistent with the terms of the settlement agreement. *See* n.1, *supra*; and Offer of Settlement, filed June 16, 2003, sections 3.2.1. and 3.2.2.

contends that the appropriate reporting threshold for determining compliance and whether corrective actions are warranted is three inches per hour. Moreover, the state water quality certifying agency, the Oregon Department of Environmental Quality, has also confirmed that, although its comments on the plan supported a two-inch reporting requirement, its water quality certification for the project does not require reporting or corrective actions for exceeding a two-inch-per-hour ramping rate, and the agency now supports a three-inch-per-hour rate for purposes of compliance and reporting.³

4. We find PacifiCorp's request reasonable, and we will modify the March 21 Order accordingly.

The Commission orders:

(A) PacifiCorp's request for rehearing, filed on April 19, 2006, is granted as set forth below.

(B) Ordering Paragraph (B) of the March 21, 2006 Order in this proceeding is revised to read as follows:

Whenever the project-related ramp rate deviates from three inches per hour, PacifiCorp shall file a report with the Commission, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, National Marine Fisheries Service, U.S. Fish & Wildlife Service, and the Confederated Tribes of the Warm Springs Reservation of Oregon, detailing the event and corrective actions taken.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

³ See letter from Paul A. DeVito (Oregon Department of Environmental Quality) to Magalie R. Salas (Commission Secretary) (filed April 27, 2006).