

138 FERC ¶ 61,120  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
and Cheryl A. LaFleur.

Marseilles Land and Water Company

Project No. 13351-002

ORDER ON REHEARING AND CLARIFICATION

(Issued February 16, 2012)

1. On December 15, 2011, the Director, Office of Energy Projects (Director), issued Marseilles Land and Water Company (Marseilles L&W) an original license to construct, operate, and maintain the proposed 10.26-megawatt (MW) Marseilles Lock and Dam Hydroelectric Project No. 13351, located on the Illinois River in LaSalle County, Illinois.<sup>1</sup> The project would use the existing Marseilles Lock and Dam, which is owned and operated by the U.S. Army Corps of Engineers (Corps).

2. On January 17, 2012, Marseilles L&W filed a request for clarification and rehearing of the Director's order. The Corps filed a late motion to intervene in the proceeding. For the reasons discussed below, we grant the Corps' motion to intervene and grant in part and deny in part Marseilles L&W's request for clarification and rehearing.

**Late Intervention**

3. The Commission issued public notice of Marseilles L&W's license application on June 11, 2009, setting August 10, 2009, as the deadline for filing protests and motions to intervene. The Corps filed a motion for late intervention on January 24, 2012.

4. In determining whether to grant late intervention, the Commission may consider such factors as whether the movant had good cause for filing late, whether the movant's interest is adequately represented by other parties to the proceeding, and whether granting the intervention might result in disruption to the proceeding or prejudice other parties.<sup>2</sup>

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<sup>1</sup> *Marseilles Land and Water Company*, 137 FERC ¶ 62,235 (2011).

<sup>2</sup> 18 C.F.R. § 385.214(d) (2011).

Movants for late intervention must, among other things, demonstrate good cause why the time limit should be waived.<sup>3</sup> When intervention is sought after issuance of a dispositive order, as is the case here, the prejudice to other parties and the burden on the Commission of granting late intervention are substantial, and a movant bears a higher burden to show good cause to justify favorable action on its motion.<sup>4</sup>

5. The Corps explains that it did not have cause to intervene earlier because it did not know that the licensee would contest the articles that pertain to the use of a government dam.

6. In this case, the Commission issued public notice of the license application on June 11, 2009, and published notice in the *Federal Register* on June 18, 2009.<sup>5</sup> The Corps therefore had notice of Marseilles L&W's application, but failed to timely respond to it. Marseilles L&W, in a February 6 answer to the Corps' motion to intervene, opposes the motion as untimely and as an improper answer to a request for rehearing. Although the Commission is generally not inclined to grant the procedural relief the Corps requests,<sup>6</sup> inasmuch as the proposed project will be at the Corps' dam and cannot be constructed and operated without the Corps' permission, and because the motion deals with issues of statutory requirements, we will grant late intervention in this proceeding to the Corps and consider its arguments.<sup>7</sup>

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<sup>3</sup> 18 C.F.R. § 385.214(b)(3) (2011).

<sup>4</sup> See *International Paper Company and Turner Falls Hydro, LLC*, 99 FERC ¶ 61,066 (2002).

<sup>5</sup> 74 Fed. Reg. 28,931 (June 18, 2009).

<sup>6</sup> See *California Water Resources Department and the City of Los Angeles*, 120 FERC ¶ 61,057, at P 14, *reh'g denied*, 120 FERC ¶ 61,248 (2007), *aff'd*, *California Trout and Friends of the River v. FERC*, 572 F.3d 1003 (9<sup>th</sup> Cir. 2009) (denying late interventions) and 385 C.F.R. § 212(a)(2) (2011) (generally prohibiting answers to rehearing requests).

<sup>7</sup> The Corps asks that the Commission deny as untimely Marseilles L&W's rehearing request, because it was filed after the 30-day rehearing deadline. Here, 30 days from the date the order was issued was Saturday, January 14, 2012. The Commission's regulations provide that any time period prescribed or allowed by statute or Commission rule includes the last day of the time period, "unless it is a Saturday, Sunday ... or legal public holiday," in which case the period does not end until the close of the next Commission business day. 18 C.F.R. § 385.2007(a)(2) (2011). Monday,

(continued...)

## **Background**

### **A. Project Description**

7. The proposed Marseilles L&W Project would generate electricity using the head potential created by the Corps' Marseilles Lock and Dam. The dam is a 600-foot-long concrete structure with eight, 60-foot-wide by 30-foot-high Tainter gates, and a 30-foot-wide chute for passing ice. It impounds a reservoir approximately 24 miles long, with a surface area of 1,454 acres. The associated lock is a chamber that is 110 feet by 600 feet, with a maximum length of 24 feet.

8. The proposed project consists of a new 136-foot-long, 76-foot-wide, 60-foot-high powerhouse containing four horizontal Kaplan generating units, each with an installed capacity of 2.565 MW for a total installed capacity of 10.26 MW; a new 208-foot-long, 30-foot-high inclined trashrack placed at the forebay, just upstream of the proposed powerhouse; a new 69-foot-long, 116-foot to 200-foot-wide tailrace; and a new, estimated 400-foot-long, 34-kilovolt underground transmission line. The project also includes the existing 2,470-foot-long, 80-foot to 200-foot-wide "North Head Race," which will be refurbished for project generation purposes, and the existing 1700-foot-long, 160-foot-wide "South Head Race," which will be shortened to a length of 170 feet for project generation purposes.<sup>8</sup> Each headrace has existing gated control structures (head gates) that are owned by the Corps and will be operated by Marseilles L&W pursuant to an agreement with the Corps.

### **B. Project History**

9. In 1876, the Illinois legislature authorized Marseilles L&W, which held water rights in the area, to build and maintain a dam across the Illinois River, together with a navigation canal along the south bank<sup>9</sup> and, on the north bank, two intakes, one each for the north and south power canals (also called head races or channels), into which an amount of surplus water is diverted for private power purposes.

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January 16, 2012 was a legal public holiday; therefore, the deadline for filing requests for rehearing was Tuesday, January 17, 2012. Marseilles L&W filed its rehearing request on Tuesday, January 17, 2012, and it was thus timely filed.

<sup>8</sup> A headrace is a channel that carries water to a turbine, mill wheel, or other facility.

<sup>9</sup> The navigation canal leads to a lock, by which marine traffic bypasses rapids below the dam.

10. In 1911, Illinois Power Company (Illinois Power) built the Marseilles Hydropower Plant at the end of the north power canal, and operated the project with water leased from Marseilles L&W. The water contract consisted of a 90-year lease for water (until 2001), with an option to renew for an additional 90 years (until 2091).

11. In the early 1930s, the Corps proposed to take over and rebuild the dam. In a December 22, 1931 letter from the Corps to Marseilles L&W, the Corps stated that its use, modification, or removal of Marseilles L&W's dam and head gates "shall not injure, jeopardize, or destroy the normal power capacity of the Marseilles Land and Water Company."<sup>10</sup> In exchange for Marseilles L&W's consent to the Corps' acquisition and removal of the existing dam and head gates, the Corps agreed to install gates at the north and south power canals in a manner that would preserve the canals' historic levels and the Marseilles Hydropower Plant's historic power generation. Under a similar agreement, Marseilles L&W agreed to operate the head gates to the North and South Head Races for the purpose of maintaining the historic water levels.<sup>11</sup> In 1933, as part of its Illinois Waterway Plan, the Corps replaced Marseilles L&W's dam across the Illinois River with a higher dam to improve navigation.

### **C. Marseilles Hydro's License**

12. In 1988, Illinois Power decommissioned the Marseilles Hydropower Plant. Affiliates of Marseilles Hydro Power (Marseilles Hydro), a private developer, bought the plant in 1999 and succeeded to Illinois Power's interests under the water lease.

13. On November 28, 2003, the Director issued an original license under Part I of the Federal Power Act (FPA) to Marseilles Hydro, which sought to construct and operate the proposed Marseilles Hydroelectric Project No. 12020.<sup>12</sup> The Director's order also

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<sup>10</sup> See Marseilles L&W's Request for Clarification and Rehearing (Marseilles L&W's Request), Attachment A (December 22, 1931 letter from the Corps' District Engineer W.C. Weeks to Marseilles L&W, at 5) and Attachment B (Marseilles L&W's December 29, 1931 letter to District Engineer Weeks, at 3).

<sup>11</sup> See Marseilles L&W's Request, Attachment C (January 25, 1932 letter from Lt. Col. Dan I. Sultan, U.S. Army Corps of Engineers to Marseilles L&W).

<sup>12</sup> See *Marseilles Hydro Power, LLC*, 105 FERC ¶ 62,131 (2003), *order on reh'g*, 107 FERC ¶ 61,066 (2004).

dismissed a preliminary permit application for the site filed by Marseilles L&W.<sup>13</sup> Both Marseilles Hydro and Marseilles L&W requested rehearing of the order.

14. On rehearing, Marseilles L&W argued that Marseilles Hydro would be unable to secure the water rights necessary for the project, which Marseilles L&W declined to voluntarily transfer to Marseilles Hydro. In the 2004 rehearing order, we rejected Marseilles L&W's argument that the license be rescinded on those grounds, noting that a licensee can, upon payment of just compensation, secure necessary water rights for a project by exercising the eminent domain power conferred by section 21 of the FPA.<sup>14</sup>

15. Marseilles Hydro also requested rehearing of the license's standard requirement that the company pay annual charges for use of a government dam, as required by FPA section 10(e).<sup>15</sup> Marseilles Hydro asserted that, as successor-in-interest to the long-term lease of the water power in the North Head Race, and because the Corps' reconstruction of the dam had not benefited the then-existing Marseilles Hydro Plant, it should not be required to pay the annual charges. In light of litigation pending at that time on the issue of whether the water power lease was still in effect, the Commission denied Marseilles Hydro's waiver request.<sup>16</sup> The Commission noted, however, that if and when the court issued a final decision establishing that Marseilles Hydro held a valid lease for the water power in the north power channel, Marseilles Hydro could renew its request to amend the license by deleting the requirement for federal dam use charges, because the courts have held that the Commission cannot assess annual charges for the use of water to which a licensee has a vested state law right.<sup>17</sup>

16. In 2004, the litigation between Marseilles Hydro and Marseilles L&W resulted in a final court decision confirming the validity of the water lease and awarding Marseilles Hydro all of the property rights, including the water rights previously held by Illinois

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<sup>13</sup> As a general rule, the Commission gives preference to license applications over preliminary permit applications, because the former represent a more advanced, firm commitment to project development. *See* 18 C.F.R. § 4.37(a) (2011).

<sup>14</sup> *Marseilles Hydro Power, LLC*, 107 FERC ¶ 61,066 at P 10 (citing 16 U.S.C. § 814 (2006)).

<sup>15</sup> 16 U.S.C. § 803(e) (2006).

<sup>16</sup> *Marseilles Hydro Power, LLC*, 107 FERC ¶ 61,066 at P 17-18 (citing *Kaukauna, Wisconsin v. FERC*, 214 F.3d 888 (7<sup>th</sup> Cir. 2000) (*Kaukauna*)).

<sup>17</sup> *Id.*

Power, necessary to operate the hydropower project at the site.<sup>18</sup> Marseilles Hydro paid Marseilles L&W the compensation established by the court for the property rights.<sup>19</sup>

17. The Commission terminated Marseilles Hydro's license on April 17, 2008, as required by statute, due to the licensee's failure to timely commence project construction.<sup>20</sup> Prior to license termination, Marseilles Hydro did not ask the Commission to amend the license to delete the annual charges provision.

#### **D. Marseilles L&W's License**

18. On December 30, 2008, Marseilles L&W filed, pursuant to Part I of the Federal Power Act (FPA),<sup>21</sup> an application for an original license to construct, operate, and maintain the proposed Marseilles Lock and Dam Hydroelectric Project No. 13351, at the same site as Marseilles Hydro's now-terminated Project No. 12020.

19. As noted above, the Director's December 15, 2011 order issued an original license to Marseilles L&W for the Marseilles Project. The license includes Article 201(2), which requires that the licensee pay annual charges for the use of a federal dam and standard Article 24, which requires the licensee to provide power free of cost to the Corps for its operation and maintenance of navigation facilities.

20. On rehearing, Marseilles L&W objects to these conditions and asks that they be deleted. The Corps disagrees.

### **Discussion**

#### **A. Federal Dam Use Charges**

21. Section 10(e)(1) of the FPA provides that "when licenses are issued involving the use of Government dams or other structures owned by the United States . . . the

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<sup>18</sup> *Marseilles Hydro Power, LLC v. Marseilles Land & Water Co.*, Docket No. 04C1427, (N.D.Ill. 2004), *aff'd*, 518 F.3d 459, 465-66 (7<sup>th</sup> Cir. 2008), *reh'g denied*, 2008 U.S. Ap. 7583 (7<sup>th</sup> Cir. Ill. March 28, 2008).

<sup>19</sup> *See* Marseilles L&W's Request at p. 5.

<sup>20</sup> *Marseilles Hydro Power, LLC*, 123 FERC ¶ 61,041, *reh'g denied*, 124 FERC ¶ 61,036 (2008).

<sup>21</sup> 16 U.S.C. §§ 791a-825r (2006).

Commission shall . . . fix a reasonable annual charge for the use thereof . . .” Article 201(2) of the license issued to Marseilles L&W states that, effective as of the date of commencement of project construction, the licensee shall pay annual charges to recompense the United States for the utilization of surplus water or water power from a government dam.<sup>22</sup>

22. Citing to *Kaukauna*,<sup>23</sup> Marseilles L&W argues that Article 201(2) should not apply to the Marseilles Project because the Commission cannot assess charges for the use of water or water rights to which the licensee holds a vested right under state law.<sup>24</sup> Marseilles L&W asserts private ownership of all the potential water power created by the Corps’ dam, based on the Corps’ 1931 letter promising that removal of the old dam and head gates would not adversely affect or interfere with Marseilles L&W’s normal power generation capacity. Marseilles L&W contends that this promise, coupled with its response, dated December 29, 1931, accepting the Corps’ description of the development plan, constitutes an agreement giving Marseilles L&W all the water rights to operate the project. Marseilles L&W asks that the Commission affirm its 2004 determination on Marseilles Hydro’s license, that federal dam use charges are not appropriate for this project and that Article 201(2) will be deleted, once Marseilles L&W provides documentation showing that it possesses the necessary water rights.<sup>25</sup>

23. In its motion to intervene, the Corps states that there is no agreement between the Corps and Marseilles L&W regarding fees to be paid for use of the Corps’ dam and other Corps-owned structures.<sup>26</sup> The Corps points out that in the 1931 letter, the Corps

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<sup>22</sup> *Marseilles Land and Water Company*, 137 FERC at 64,606. The Commission’s regulations for federal dam use charges are codified at 18 C.F.R. § 11.3 (2011). In 1986, Congress established the charges; see FPA section 10(e)(1), 16 U.S.C. § 803(e)(1) (2006), final proviso.

<sup>23</sup> 214 F.3d 888, 893 (7<sup>th</sup> Cir. 2000).

<sup>24</sup> In *Kaukauna*, the court held that the Commission cannot assess headwater benefit charges against a licensee who already owns the rights to the water power created by an upstream project.

<sup>25</sup> Since the litigation under Marseilles Hydro’s license resulted in Marseilles Hydro condemning Marseilles L&W’s original water rights, under the current license, Marseilles L&W will have to reacquire those rights from Marseilles Hydro.

<sup>26</sup> The Corps argues in fact that Marseilles L&W should reimburse the Corps for the use of the federal dam, because it operates and maintains the two head gates and pays the electric bills while Marseilles L&W is the direct beneficiary without incurring any

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explicitly denied Marseilles L&W's request for assurances that it would be permitted to use all of the water it desires for the development of power that is not needed for navigation, because it is outside the Corps' jurisdiction to do so.<sup>27</sup> The letter also indicates that the State may own one-fourth of the available water power at the site, which the Corps suggests contradicts Marseilles L&W's argument that it had a reserved right to use all of the potential water power at the site.

24. As Marseilles L&W points out, the Commission's 2004 order clearly reads the *Kaukauna* decision to dictate that, if the water lease remained in effect, the licensee could not be assessed charges under section 10(e) for use of the Corps' dam. In that order, the Commission stated that "[i]f the court decision holds that [the] lease is in effect, then we agree that Federal dam use charges should be waived for the Marseilles Project."<sup>28</sup> It is undisputed that the court affirmed the water lease.<sup>29</sup> Consequently, we abide by the Commission's earlier order,<sup>30</sup> and, as Marseilles L&W requests, will delete Article 201(2) from the project license, once Marseilles L&W provides documentation that it possesses the necessary water rights.

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costs to generate water power.

<sup>27</sup> See December 22, 1931 Letter at paragraph 4-7.

<sup>28</sup> *Marseilles Hydro Power, LLC*, 107 FERC ¶ 61,066 at P 17 (citing *Kaukauna*, 214 F.3d 888, 893 (7<sup>th</sup> Cir. 2000)).

<sup>29</sup> See P 16 and n.18, *supra*. The Corps' suggestion that Marseilles L&W may not hold the right to all of water in the river comes too late – such issues must be raised in the course of a licensing proceeding and not for the first time on rehearing, when our fact finding is essentially over and the record is complete. Moreover, the evidence cited by the Corps is hardly conclusive and, in any event, does not demonstrate that the licensee lacks the rights it needs to operate the project or that *Kaukauna* is not applicable here.

<sup>30</sup> We note that the Corps participated in the prior licensing proceeding, but did not challenge our ruling on this matter.

**B. Free Power for Corps' Navigation Facilities**

25. Section 11(c) of the FPA,<sup>31</sup> provides:

That if [a] dam or other project works are to be constructed across, along, or in any of the navigable waters of the United States, the Commission may, insofar as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

\* \* \*

(c) That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States.

26. When issuing a license for a project on a navigable stream, whether for an existing dam or a dam to be constructed, the Commission includes in the license a standard article requiring the licensee to furnish free power for federal navigation facilities.<sup>32</sup> Accordingly, Article 24 of the Marseilles Project license states:<sup>33</sup>

The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

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<sup>31</sup> 16 U.S.C. § 804(c) (2006).

<sup>32</sup> See, e.g., the current standard license articles, published at 54 FPC 1792-1928 (1975), Form L-3, Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States, Article 24 (54 FPC at 1824); and Form L-4, Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters of the United States, Article 24 (54 FPC at 1831).

<sup>33</sup> See Form L-4 (October 1975), entitled "Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters of the United States," published at 54 FPC 1799, 1824 (1975), and incorporated by reference in the Project No. 13351 license, *Marseilles Land and Water Company*, 137 FERC at 64,606, ordering para. (F).

27. Marseilles L&W contends that the Commission should exercise its discretion under section 11(c) to eliminate the requirement for Marseilles L&W to provide free power to the Corps. Marseilles L&W reminds us that in the 2004 rehearing order, the Commission did not exercise its discretion to impose the requirement on the licensee, Marseilles Hydro. There, the licensee pointed out that such a requirement can only be imposed after a showing that the free power is “reasonably necessary to promote the present and future needs of navigation and consistent with the investment cost to the licensee.” The licensee advanced three arguments in support of its request to delete the condition: (1) free power cannot be called “reasonably necessary” at the Marseilles Lock and Dam, inasmuch as these works have been in operation since the 1930’s, and the new licensed project will not affect them; (2) the provision of free power is not “consistent with a reasonable investment cost to the licensee, in light of the estimated total annual cost of \$17,500; and (3) provision of free power from the project is “wholly inappropriate,” given the Corps’ 1931 commitment to preserve the project’s normal power capacity.

28. In the 2004 decision, the Commission found that the licensee’s provision of free project power to the Corps’ navigation facilities was not reasonably necessary to promote the present and future needs of navigation and therefore granted the licensee’s rehearing request on this issue. Marseilles L&W urges us to make the same finding here.

29. An important difference between the 2004 proceeding and the instant case is that in the 2004 proceeding, while making the claim that it was entitled to free power, based solely on section 11(c), the Corps failed to substantiate its assertion that the requirement was reasonably necessary and that its cost was a reasonable investment cost to the licensee, and the Commission relied on that record in making its finding.<sup>34</sup> Here, in its motion to intervene, the Corps makes a case for its entitlement claim.

30. The Corps first argues that the Marseilles Lock and Dam facilities are vital to navigation on the Illinois Waterway.<sup>35</sup> Second, it contends that the flood control and

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<sup>34</sup> See *Marseilles Hydro Power, LLC*, 107 FERC ¶ 61,066 at P 27-28.

<sup>35</sup> The Marseilles Lock and Dam is one of nine facilities on the Illinois Waterway that support water level management by providing flood control and maintaining a nine-foot-minimal pool for navigation. In 2011, 2,487 commercial vessels passed through the Marseilles Lock, carrying 14,548,844 tons of cargo. An additional 1,533 non-commercial vessels passed through the lock in 2011. See Corps’ Motion to Intervene at 6.

pool level maintenance that the Corps provides are essential to providing reliable and consistent water flow for the hydropower facilities and for ensuring the safety and durability of the facilities after high water events.<sup>36</sup> Third, the Corps states that the Marseilles Lock and Dam ultimately protect operations and provide a level of insurance to the hydropower facility with reduced risk.<sup>37</sup> Fourth, the Corps asserts that the provision of free power from Marseilles L&W is reasonably necessary for the current and future needs of navigation, because any funds used to operate and maintain the lock and dam for the benefit of Marseilles L&W's hydropower project are not available to meet the many, critical upkeep and maintenance needs of the aging Illinois Waterway infrastructure.<sup>38</sup> Last, in response to Marseilles L&W's claim that its project will have no effect on the operation of the Corps' navigation facilities, the Corps states that it is premature to reach this conclusion, since the current licensed project is not identical to the previous project, and the operation plans for the proposed, refurbished head race and the new powerhouse, are as yet undetermined.<sup>39</sup>

31. We find that the licensee's provision of free project power to the Corps' navigation facilities is reasonably necessary to promote the present and future needs of navigation by supporting the operation and maintenance of the Illinois Waterway. Moreover, given that Commission staff has estimated that the levelized annual cost of operating the project would be \$4.97 million for the first year,<sup>40</sup> and that the Corps' pleading indicates that its current annual cost of power may be on the order of \$42,000,<sup>41</sup> the expense of providing free power to the Corps cannot be said to exceed a reasonable investment cost to Marseilles L&W. Should Marseilles L&W conclude at some point in the future that the provision of free power does exceed a reasonable cost, it may seek appropriate relief from the Commission. As to the impact of the 1931 agreement, that document on its face appears to bar the Corps from affecting the physical capacity of the

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<sup>36</sup> See Motion to Intervene at 6-7.

<sup>37</sup> *Id.* at 7.

<sup>38</sup> The Corps states that operation of the lock and dam requires substantial amounts of electricity and that the most recent monthly electric bills for the lock and dam were \$3,073.40 and \$451.48, respectively. See Motion to Intervene at 7.

<sup>39</sup> See *id.* at 7-8.

<sup>40</sup> *Marseilles Land and Water Company*, 137 FERC ¶ 62,235 at P 86.

<sup>41</sup> See motion to intervene at 7, stating that the most recent electric bill for the lock and dam was \$3,524.78, which can be annualized to slightly more than \$42,000.

prior project (which is no longer an issue, that facility having been decommissioned), and does not necessarily preclude the Corps from receiving free power. Moreover, a private agreement cannot restrict our ability to carry out the terms of the FPA, including section 11(c). Based on the foregoing, Marseilles L&W's request to delete Article 24 is therefore denied.

32. We have reached conclusions regarding Marseilles L&W's obligations to the Corps that we believe are supported by law and sound policy. Given that the project cannot be constructed and operated without cooperation between the two entities, however, it is our hope that they will be able to resolve any differences between them so that the project can be successfully developed.

The Commission orders:

(A) The late motion to intervene, filed in this proceeding by the U.S. Army Corps of Engineers on January 12, 2012, is granted.

(B) The request for clarification and rehearing, filed by Marseilles Land and Water Company on January 17, 2012, is granted to the extent set forth herein and is otherwise denied.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.