

154 FERC ¶ 61,031  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

Public Utility District No. 2 of  
Grant County, Washington

Project No. 2114-278

ORDER DENYING REQUEST FOR REHEARING

(Issued January 21, 2016)

1. On August 12, 2015, Commission staff issued an order approving as-built site plan drawings and updating recreation tables filed by PUD No. 2 of Grant County for the Priest Rapids Hydroelectric Project No. 2114 (Priest Rapids Project), located on the mid-Columbia River, in portions of Grant, Yakima, Kittitas, Douglas, Benton, and Chelan counties, Washington.<sup>1</sup> On September 10, 2015, Pat Kelleher filed a motion to intervene and a request for rehearing of the August 12 Order. On October 9, 2015, the Commission Secretary issued a notice dismissing Mr. Kelleher's motion to intervene and rejecting his request for rehearing because the proceeding was not the type in which interventions are entertained.<sup>2</sup> On November 2, 2015, Mr. Kelleher filed a request for rehearing of the October 9 Notice.

2. As the notice explained, for post-licensing hydropower proceedings intervention will only be allowed when the licensee's filing or the Commission's order involves a material change in the plan of project development or in the terms and conditions of the license, or if the filing or order could adversely affect a property holder's rights in a manner that was not contemplated by in the license.<sup>3</sup>

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<sup>1</sup> *PUD No. 2 of Grant County*, 152 FERC ¶ 62,103 (2015).

<sup>2</sup> *PUD No. 2 of Grant County*, 153 FERC ¶ 61,023 (2015).

<sup>3</sup> *See, e.g., South Carolina Elec. and Gas Co.*, 147 FERC ¶ 61,038 (2014); *Alabama Power Co.*, 141 FERC ¶ 61,039 (2012).

3. On rehearing, Mr. Kelleher does not demonstrate that he is aggrieved by the October 9 Notice. He states that he is aggrieved “by the loss of opportunity to make public comment on a material change to project recreational sites approved by FERC in the project license,” but fails to show that the August 12 Order materially amended the project license such that an opportunity for intervention was required. In fact, the August 12 Order simply approved as-built site plan drawings; it did not approve any change in project development.<sup>4</sup> Given that Mr. Kelleher has not shown that there was a material change to the Priest Rapids Project or that the rights of a property holder were adversely affected in a manner not contemplated by the license, the October 9 Notice properly dismissed Mr. Kelleher’s motion to intervene and rejected his request for rehearing.

The Commission orders:

The request for rehearing filed by Pat Kelleher on November 2, 2015, is denied.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>4</sup> The specific recreation facilities, if any, to be developed at some sites mentioned by Mr. Kelleher -- the Airstrip Site, Wanapum Recreation Area, and Getty’s Cove -- will be determined as part of the next Recreation Resources Management Plan update. *See PUD No. 2 of Grant County*, 135 FERC ¶ 62,216, at P 8-9 (2011). Some of the other sites Mr. Kelleher references are indeed project recreation, though some have been combined or their names have been changed. In any case, the approval of as-built drawings does not change the licensee’s recreation requirements; it merely updates the licensee’s documentation of recreation facilities. Regardless of whether a required recreation site is shown on the approved drawings, it remains a required site.