

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
August 23, 2016

OFFICE OF ENERGY PROJECTS

Project No. 14446-000—Colorado
Peabody Trout Creek Reservoir
Hydroelectric Project
Peabody Trout Creek Reservoir, LLC

Brian Yansen, Director of Real Estate Development
Peabody Trout Creek Reservoir, LLC
701 Market Street
St. Louis, MO 63101-1826

Reference: Termination of Integrated Licensing Process

Dear Mr. Yansen:

On June 11, 2015, Peabody Trout Creek Reservoir, LLC (PTCR) filed an updated study report pursuant to the Commission's Integrated Licensing Process (ILP). PTCR held an updated study report meeting on June 25, 2015 and filed the meeting summary on July 9, 2015. As noted in the updated study report and subsequent meeting, a majority of the studies required by the Study Plan Determination, issued on June 11, 2013, had not yet been completed.

Commission staff's July 28, 2015 letter pointed out that the intent of section 5.15(f) of the Commission's ILP regulations is to ensure that stakeholders have an opportunity to review and comment on the results of required studies. Consequently, that letter directed you to, following the completion of the outstanding studies, file a second updated study report and follow the review, comment, and disagreement resolution procedures set forth in section 5.15(f) of our regulations. The letter also asked that you file an updated process plan and schedule so that stakeholders, including Commission staff, could plan their availability for remaining ILP process milestones, including the study-related items identified above, as well as expected dates for developing and filing a license application.

On August 21, 2015, you filed the requested updated process plan and schedule, which indicated that you would file an second updated study report on June 10, 2016, hold a second updated study report meeting on June 24, 2016, and file a second updated study report meeting summary on July 8, 2016.

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By letter dated July 15, 2016, we informed you that we had not yet: (1) received a second updated study report; (2) been notified of a second updated study meeting; and (3) received the second updated study report. That letter asked you to respond within 10 days describing your progress in developing the updated study report and your justification for not adhering to the updated process plan and schedule. Our letter further stated that failure to respond within 10 days with a showing indicating progress is being made may result in the termination of the ILP for the Trout Creek Reservoir Hydroelectric Project. We received no response to our letter.

The ILP provides discrete time frames for conducting studies pertaining to a proposed project and developing a license application. For the reasons outlined above, I am terminating the ILP for the Peabody Trout Creek Reservoir Hydroelectric Project without prejudice.

If you decide to move forward with development of a license application in a new ILP, you may re-file your NOI and PAD. At that time, if your proposal has not changed, you may request that certain requirements of the ILP be waived, to the extent that such steps in the ILP have already been satisfactorily completed. However, we may also at that time require additional scoping and modifications to your approved study plan, if appropriate. Also, please note that the term and requirements of your current preliminary permit remain unchanged.

If you have any questions, please contact John M. Mudre at (202) 502-8902, or via e-mail at john.mudre@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

cc: Mailing List
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Document Content(s)

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