

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2629-029 – Vermont
Morrisville Hydroelectric Project
Village of Morrisville, Vermont

March 3, 2023

VIA FERC Service

Ms. Penny Jones, Manager
Morrisville Water and Light
Village of Morrisville, Vermont
857 Elmore Street
Morrisville, VT 05661

Subject: Application for License Amendment

Dear Ms. Jones:

On February 15, 2022, you filed an application to amend the license for the Village of Morrisville, Vermont's (Village) Morrisville Hydroelectric Project No, 2629.¹ The project consists of four developments located in Lamoille County, Vermont, including the Cadys Falls, Morrisville, Green River, and Lake Elmore developments. In your application, you propose to amend the project license to split the project's four developments into two, separate licensed projects. Under your proposal, the Green River and Lake Elmore developments would remain licensed under docket number P-2629, while the Cadys Falls and Morrisville developments would be licensed separately under a new project number.

In support of your proposal, you state that you are uncertain of the future economic viability of the Green River development. More specifically, you say that due to conditions included in the August 9, 2016 water qualification certification issued by the Vermont Agency of Natural Resources (Vermont ANR) for the project's relicensing, you expect a fifty percent reduction in generation for the Green River development. Moreover, you note that the water quality certificate includes a condition that would limit the winter drawdown of the Green River development's reservoir to 1.5 feet which

¹ *The Village of Morrisville, Vermont*, 16 FERC ¶ 62,346 (1981).

necessitates the need for Commission staff to conduct a dam stability analysis to determine the potential effects of the reduced winter drawdown. You state that depending on the outcome of the dam stability analysis, you may pursue decommissioning of the Green River development. You state the amendment would remove the Morrisville and Cadys Falls developments from the uncertainty surrounding the Green River development and allow the Morrisville and Cadys Falls developments to move forward with relicensing while you determine whether to proceed with relicensing the Green River development.²

In order to conduct our review of your amendment application, we need additional information regarding the following:

1. It appears your amendment application is dependent upon the outcome of any decision to decommission or transfer the Green River development. Generally, the Commission does not accept conditional license amendment applications, nor do we accept significant amendments while a project is undergoing relicensing. It is unclear what your plans are regarding the disposition of the Green River development and whether your amendment application is conditional on the results of the pending dam stability analysis. Please clarify your reasoning for requesting the license amendment at this time, prior to the completion of the dam stability analysis and any resulting decision on the disposition of the Green River development. The Commission may dismiss your amendment application if you cannot provide sufficient justification for processing the application at this time.
2. In your application, you do not provide a description of how, if separated, the two projects would operate independently from each other as two separate and complete units of development. Please provide additional details, including an explanation of current operations and any other information (e.g., how each project would transmit project generated electricity to the electric grid), to demonstrate how the two projects would operate as separate and complete units of development.
3. Section 4.201 of the Commission's regulations requires that an application for a license amendment include the statutory and regulatory requirements of the state. Your application states that the proposed amendment would not affect the various statutory and/or regulatory requirements of Vermont. However, you also indicate that there is uncertainty surrounding the Green River development because of the Vermont ANR's water quality certification issued as part of the relicense

² A separate application to relicense the Morrisville, Cadys Falls, and Green River developments under one license and decommission the Lake Elmore development is currently pending before the Commission.

proceeding. You state that your proposal to separate the Green River development would facilitate ongoing discussions with Vermont concerning the possible decommissioning of the Green River development. In light of these statements, it is unclear whether the proposed amendment would affect the statutory requirements of Vermont. Please provide the following information, in consultation with the Vermont ANR: (1) the effects of the proposed amendment on the water quality certification issued for the relicense proceeding; and (2) whether new certification application(s) would need to be submitted if the four developments are split into two projects.

Please file your response within 90 days of this letter. The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-2629-029.

If you have questions regarding this letter, please contact Ashish Desai at (202) 502-8370 or Ashish.Desai@ferc.gov.

Sincerely,

Shana Wiseman, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance