



REC 15-253

NHPUC 6 JUL 15 AM 10:38

July 1st, 2015

Ms. Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: Franklin Power, LLC's request for certification of the Bow Street Hydroelectric Project (FERC No. 3760) as a Class I renewable energy source

Dear Ms. Howland,

Franklin Power, LLC is applying for certification of the Bow Street Hydroelectric Facility (FERC No. 3760) as a New Hampshire Class I renewable energy source. This application is pursuant to New Hampshire Chapter 362-F:4 I and F:13 and Administrative Code Puc 2502.10 Electric Renewable Portfolio Standard.

As requested, Franklin Power, LLC has submitted the original version of the application along with two (2) paper copies and all required supporting documentation. In addition, an electronic copy of the application and supporting documentation was sent to you (executive.director@puc.nh.gov) as well as Barbara Bernstein (Barbara.bernstein@puc.nh.gov).

Thank you for considering our application. Please contact Adam Straight if you have any additional questions or concerns during the application process. His contact details are as follows:

Franklin Power, LLC
c/o Eagle Creek Renewable Energy
65 Madison Ave, Suite 500
Morristown, NJ 07960
adam.straight@eaglecreekre.com
(973) 998-8397 (Office)
(303) 324-5094 (Mobile)

Sincerely,

Eli Smith
SVP Corporate Finance

Eagle Creek Renewable Energy
65 Madison Avenue, Suite 500 – Morristown, NJ 07960, USA
Tel: (973) 998-8400 – Fax: (973) 998-8401
www.eaglecreekre.com

Facility Name: Bow Street Hydro
Mailing Address: 38 East Bow Street, Franklin, NH 03235
Physical Address: 38 East Bow Street
Town/City: Franklin State: NH Zip Code: 03235
If the facility does not have a physical address, provide the Latitude _____ & Longitude _____

Facility Owner: Eagle Creek Renewable Energy, LLC
Telephone: 973-998-8400 Cell: n/a
Email address: powersales@eaglecreekre.com

If different from the owner:

Facility Operator: _____
Telephone: _____ Cell: _____
Email address: _____

4) Provide a general description of the renewable energy facility including size, a general summary of equipment and operation. (The box provided will expand to accommodate the description.)

The Bow Street Hydro facility is located on the Winnepesaukee River in the town of Franklin, in Merrimack County, New Hampshire. The facility consists of an intake structure upstream of the Stevens Mill Dam, a penstock, one submersible Flygt turbine/generator unit rated at 236 kW, and associated controls and electrical equipment. Bow Street is a repowered facility that would formerly have qualified as a Class IV source. The turbine/generator unit failed in January 2011 and was removed from its operating position in April 2011. The facility (at the time known as Stevens Mill) was de-listed from ISO-NE effective January 1, 2015. Eagle Creek has rebuilt/repared and reinstalled the turbine/generator equipment. The facility was re-listed with ISO-NE and returned to service on May 1, 2015. This site is part of a two-part development along with the River Bend facility located downstream. Both draw water from the Winnepesaukee River upstream of the Stevens Mill Dam, and along with that Dam, form the Stevens Mill Dam Project (FERC No. 3760). Bow Street and River Bend are recognized by ISO-NE as separate facilities.

Fuel Type: Water Gross Nameplate Capacity*: 236 kW
Initial Date of Commercial Operation: 5/1/2015
If different, the Original Date of Operation: 1985

**The nameplate capacity should match the interconnection agreement and the GIS database. If it does not, please provide an explanation in the box below. (The box provided will expand to accommodate the explanation.)*

*Provide the pertinent pages of the interconnection agreement as **Attachment 4** of the Application. If the interconnection agreement is a confidential document, there is no need to send more than the first few pages, the page that verifies the nameplate capacity of the facility and the signature pages. This will ensure that the applicant is not required to submit both original and redacted versions of the application.*

*If the facility is not required to have an interconnection agreement, provide explanation as to why an interconnection agreement is not required as **Attachment 4**.*

If your facility is seeking Class I certification for formerly nonrenewable energy electric generation facilities, proceed to question 8. Otherwise, proceed to question 9.

8) Complete the following as **Attachment 8**:

- 8.i) Provide documentation that 80 percent of its tax basis in the resulting generation unit, including NHDES permitting requirements for new plants, but exclusive of any tax basis in real property and intangible assets, is derived from the new capital investments pursuant to [Puc 2505.07](#).

If your facility is seeking Class IV certification for a hydroelectric facility with a nameplate capacity of one megawatt or greater, proceed to question 9. Otherwise, proceed to question 10.

9) Complete the following as **Attachment 9**:

- 9.i) Provide proof that the facility has installed upstream and downstream diadromous fish passages that have been approved under the terms of the facility’s license or exemption from the Federal Energy Regulatory Commission pursuant to [RSA 362-F:4, IV \(a\)](#).

Provide documentation that, when required, the facility has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects pursuant to [RSA 362-](#)

- 9.ii) [F:4, IV \(a\)](#).

If your facility is located in a control area adjacent to the New England control area, complete question 10.

10) Provide the following as **Attachment 10**.

- 10.i) Submit proof that the energy is delivered within the New England control area and such delivery is verified as required in [Puc 2504.01\(a\)\(2\) a. to e.](#)

If your facility is a customer-sited source, proceed to question 11. Pursuant to RSA 362-F:2, V, a customer-sited source means a source that is interconnected on the end-use customer’s side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer.

- 11)** If the facility is a customer-sited source you must retain the services of an independent monitor directly, or if participating in an aggregation pursuant to Puc 2506, complete the following. Note that the aggregator must work with an independent monitor responsible for the verification of the production of energy from the customer –sited source.

Independent Monitor’s Name: _____

Town/City: _____ State: _____ Zip Code: _____

Telephone: _____ Cell: _____

Email address: _____

(A [list](#) of independent monitors is available at:

http://www.puc.nh.gov/Sustainable%20Energy/Renewable_Energy_Source_Eligibility.htm.)

- 12)** Provide all necessary regulatory approvals, including any reviews, approvals or permits required by NHDES or the environmental protection agency in the facility’s state as **Attachment 12**.

The FERC Exemption from licensing is provided as **Attachment 12(i)** and incorporates all reviews from state agencies. Additionally the water quality certificate for construction that was issued by the New Hampshire Water Supply and Pollution Control Commission subsequent to the FERC Exemption has been provided as **Attachment 12(ii)**.

- 13) Provide a general description of how the generation facility is connected to the regional power pool via the local electric distribution utility. Please note that this information will be posted as public record. (*The box provided will expand to accommodate the description.*)

The facility is connected to a 4.16 KV transmission line which is owned and operated by the Public Service Company of New Hampshire. The one-line diagram is provided as **Attachment 13**.

- 14) Provide a statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standard. (*The box provided will expand to accommodate the statement.*)

The Bow Street Facility is not currently certified under another non-federal jurisdiction's renewable portfolio standard and, therefore, **Attachment 14** has not been provided.

If applicable, provide verification of any certifications that have been received for this facility as **Attachment 14**.

- 15) Provide any other pertinent information that you wish to include to assist in classification of the facility as **Attachment 15**.

The most recent amendment to the FERC Exemption, describing the current configuration of the project has been included as **Attachment 15**.

- 16) The following affidavit must be completed by the owner attesting to the accuracy of the contents of the application pursuant to Puc 2505.02 (b) (14).

AFFIDAVIT

I, Eli Smith have reviewed the contents of this application and attest that it is accurate and is signed under the pains and penalties of perjury. Further, Eagle Creek does not have any prohibited relationships with other parties involved in this application.

Applicant's Signature [Signature] Date 7/1/15

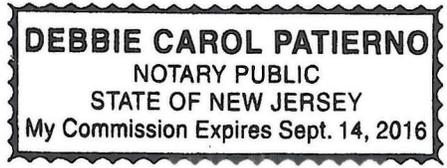
Applicant's Printed Name Eli Smith

Subscribed and sworn before me this 1st Day of July (month) in the year 2015

County of MORRIS State of NEW JERSEY

[Signature]
Notary Public/Justice of the Peace

My Commission Expires SEPTEMBER 14, 2016



| Application Checklist: | | check |
|-------------------------------|---|--------------|
| 1-3 | All general and facility information has been provided in numbers 1), 2) and 3). | X |
| 4 | The nameplate capacity matches the interconnection agreement and the GIS database. | X |
| 4 | Pertinent pages of the interconnection agreement have been provided as Attachment 4 . | X |
| 5 | A GIS Asset ID and facility code has been obtained and provided on the application. | X |
| 6 | If your facility is seeking Class I certification for the incremental new production of hydroelectric technologies to produce energy, Attachment 6 | |
| 7 | If your facility is seeking Class I certification for repowered Class III or IV sources, Attachment 7 . | X |
| 8 | If your facility is seeking Class I certification for formerly nonrenewable energy electric generation facilities, Attachment 8 . | |
| 9 | If your facility is seeking Class IV certification for the electric production of hydroelectric technologies with a nameplate capacity of one megawatt or greater, Attachment 9 . | |
| 10 | If your facility is located in a control area <u>adjacent</u> to the New England control area, Attachment 10 . | |
| 11 | If the facility is a customer-sited source you have retained the services of an independent monitor and noted the independent monitor on the application. | |
| 12 | All necessary regulatory approvals, including any reviews, approvals or permits required by NHDES or the environmental protection agency in the facility's state have been provided as Attachment 12 . | |
| 13 | A <u>general</u> description of how the generation facility is connected to the regional power pool via the local electric distribution utility has been provided. | X |
| 14 | If applicable, verification of all renewable portfolio standard program certifications that have been received for this facility in other states, provided as Attachment 14 . | |
| 15 | If necessary, other pertinent information that will assist in classification of the facility provided as Attachment 15 . | X |
| 16 | A statement that there are no prohibited relationships between the Applicant and other involved parties has been provided. | X |
| 17 | The affidavit by the owner attesting to the accuracy of the contents of the application has been completed. (A separate Attachment 17 may be substituted for the affidavit provided in the application.) | X |

Note: Attachment numbers are matched with the number on the application. There are no attachments numbered 1, 2, 3, 5, 11, 13, 16, or 17. A separate attachment for the affidavit will be accepted.

Attachment 4
Interconnection Agreement

INTERCONNECTION AGREEMENT

Advised 2/15/2000
7/18/85
8/1/86

AGREEMENT, dated December 12, 1984, by and between TRAFALGAR POWER LIMITED, a United Kingdom Corporation with a place of business in Franklin, New Hampshire (hereinafter referred to as INTERCONNECTOR), and PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, a New Hampshire corporation having its principal place of business in Manchester, New Hampshire (hereinafter referred to as PUBLIC SERVICE).

WHEREAS, INTERCONNECTOR desires to interconnect their Bow Street - Steven's Mill hydroelectric generating facility, located in Franklin, New Hampshire, on the Winnepesaukee River, with the electric system of PUBLIC SERVICE in accordance with applicable New Hampshire Public Utilities Commission (hereinafter referred to as NHPUC) Orders; and

WHEREAS, the NHPUC requires that a written interconnection agreement be executed between the parties; and

WHEREAS, it is necessary that certain agreements be made prior to interconnection and the commencement of sales of electricity to insure the safety, reliability and integrity of PUBLIC SERVICE's electric system, and to establish a mechanism of payment of the rate established by the NHPUC, the parties hereby agree as follows:

Article 1. Interconnection and Voltage Characteristics.

The interconnection point shall be that point at which INTERCONNECTOR's generating facility interconnects with the 34.5 KV electric system of PUBLIC SERVICE.

Unless PUBLIC SERVICE converts its interconnection circuit, all electric energy interconnected with PUBLIC SERVICE's system shall be 34.5 KV, three-phase, sixty hertz.

Article 2. Metering.

The metering shall be configured so as to represent the generation delivered to PUBLIC SERVICE. The metering may be installed on the generation side of the transformer provided that transformer losses are subtracted from the measured generation by a suitable method.

INTERCONNECTOR will install, own, and maintain all metering equipment

AS.

PUBLIC SERVICE: Public Service Company of New Hampshire
1000 Elm Street
P.O. Box 330
Manchester, NH 03105
Attn: Roy G. Barbour, Vice President

Article 16. Effective Date.

This Agreement shall become effective between the parties as of the effective date of the Commission order approving the long term rate, although PUBLIC SERVICE shall not be obligated to make any payments to INTERCONNECTOR, as referred to in Article 3, until INTERCONNECTOR has satisfactorily installed all metering, interconnection and protective equipment as specified in Attachment B.

IN WITNESS WHEREOF, the parties each by its duly authorized representatives have hereunto caused their names to be subscribed, as of the day and year first above written.

TRAFALGAR POWER LIMITED

D. D. E. Sullivan
(Witness)

By:

Arthur H. Steckler
Arthur H. Steckler, President

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

John E. Lyons
(Witness)

By:

Roy G. Barbour
Roy G. Barbour, Vice President

ADDENDUM TO AGREEMENT

This Addendum to Interconnection Agreement ("AGREEMENT"), made this 15th day of February 2000, by and between PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE ("PUBLIC SERVICE") and Trafalgar Power Limited("INTERCONNECTOR").

WITNESSETH

WHEREAS, PUBLIC SERVICE and INTERCONNECTOR entered into said AGREEMENT on December 12, 1984, and addended on July 18, 1986 and on August 1, 1986, regarding INTERCONNECTOR's Bow Street - Steven's Mill generating facility located on the Winnepesaukee River, in Franklin, New Hampshire; and

WHEREAS, PUBLIC SERVICE and INTERCONNECTOR have agreed to modify said AGREEMENT by means of this Addendum.

NOW, THEREFORE, PUBLIC SERVICE and INTERCONNECTOR do hereby agree as follows:

Attachment B shall be deleted from the AGREEMENT and a new Interconnection Report, by Dennis J. Western, dated November 15, 1999, is included with and made a part of the AGREEMENT as Attachment B.

IN WITNESS WHEREOF, PUBLIC SERVICE and INTERCONNECTOR have caused this Addendum to be executed by their duly authorized representatives as of the day, month, and year first above written.

TRAFALGAR POWER LIMITED

By:  HOMER LENSINK
MGR. TECH. SERVICES
TRAFALGAR POWER
02-02-15

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By:  GARY LORD
Vice President

I. INTRODUCTION

A study has been performed to determine the impact of proposed modifications to this facility on the PSNH system. All technical analysis was based on the equipment listed under Section II, and the facility arrangement illustrated on partial one-line diagram SK-DJW-005-2. Where actual site-specific data was not readily available, estimated or "typical" values were utilized in any required calculations. Any deviation from the listed equipment or the illustrated configuration may have significant safety and/or technical ramifications. Consequently, if changes are anticipated now or in the future, PSNH should be informed immediately so that the requirements and recommendations contained within the report may be revised where necessary. This procedure will ensure that the Developer is informed of PSNH requirements in a timely fashion and should eliminate the delays and expense which could otherwise be experienced by the Developer.

This facility was in operation for some time as a two-unit induction site. A fire caused extension damage to this site resulting in the removal and/or demolition of facilities and equipment.

This revised interconnection report supersedes all previous interconnection reports. It addresses the PSNH requirements for re-commissioning this site using the existing 236 KW induction unit.

II. DESCRIPTION OF MAJOR COMPONENTS

A. Description Of Facilities

The Bow Street - Stevens Mill Hydroelectric Facility is a one unit site located in the Franklin Industrial Complex in Franklin, NH. It receives water from the Winnepesaukee River impounded behind NHWRB dam no. 87.07.

The salient electrical features of this facility are shown on Partial One Line Diagram SK-DJW-005-2, Section VII.A of this report.

B. Electrical Components

1. Generators - (1) - Flygt 550/600V, 236KW, .87PF, induction
2. Exciters - None
3. Voltage Regulators - None
4. Circuit Breakers/Contactors - vacuum contactors, 600V
5. Generator Stepup Transformers - (1) - 750KVA, 4160V - 600Y/346.4V, connected in delta - grounded wye configuration (Z = 4.9%)
6. Power Factor Correction Capacitors - (1) - 60KVAR, 575V

Attachment 7(i)
Bow Street Redevelopment Cost

| Category | Amount |
|---|-------------------|
| Assembly Total | 24,707.86 |
| Commissioning Total | 2,609.80 |
| Electrical Materials Total | 887.69 |
| Electrical, Controls, and Wiring Total | 18,060.54 |
| Engineering Total | 6,334.40 |
| Equipment Rental Total | 888.75 |
| Gearbox Repair Total | 64,220.18 |
| General and Administrative Total | 9.95 |
| General System Materials Total | 1,715.16 |
| Generator Overhaul Total | 54,891.74 |
| Labor - Benefits Accrual Total | 204.89 |
| Materials - Balance of Plant Total | 6,506.70 |
| Repairs - Balance of Plant Total | 17,074.33 |
| Travel, Meals, and Lodging Total | 1,993.73 |
| Turbine Overhaul Total | 41,546.53 |
| Grand Total | 241,652.25 |

Attachment 7(ii)

| Company | Bow St. Share | Asset ID | Calculated Replacement Cost (2013) | Calculated Depreciation (Half First Year) | Book Value at Acquisition 6/29/2013 |
|--------------|---------------|------------------------------------|------------------------------------|---|-------------------------------------|
| Franklin | 3% | <i>Powerhouse and Improvements</i> | \$633,566 | \$120,954 | \$512,613 |
| Franklin | 0% | <i>Dam</i> | \$510,625 | \$63,077 | \$447,548 |
| Franklin | 12% | <i>Intake structure</i> | \$50,212 | \$6,203 | \$44,009 |
| Franklin | 0% | <i>Waterway</i> | \$77,884 | \$9,621 | \$68,263 |
| Franklin | 50% | <i>Accessory Equipment</i> | \$391 | \$91 | \$300 |
| Franklin | 50% | <i>Electrical Equipment</i> | \$122 | \$28 | \$93 |
| Franklin | 0% | <i>Turbines and Generators</i> | \$498,465 | \$116,309 | \$382,157 |
| Franklin | 22% | <i>Control Panel</i> | \$107,508 | \$28,221 | \$79,287 |
| Franklin | 50% | <i>Power Lines</i> | \$1,076 | \$283 | \$794 |
| Franklin | 12% | <i>Step-up Transformer</i> | \$10,498 | \$2,756 | \$7,742 |
| Franklin | 12% | <i>Substation</i> | \$806 | \$211 | \$594 |
| Franklin | 12% | <i>Switch Gear</i> | \$56,019 | \$14,705 | \$41,314 |
| Franklin | 12% | <i>Miscellaneous - 334</i> | \$38,948 | \$10,224 | \$28,724 |
| Franklin | 0% | <i>Crane</i> | \$9,425 | \$2,474 | \$6,951 |
| Franklin | 100% | <i>Miscellaneous -335</i> | \$9,113 | \$2,392 | \$6,721 |
| Franklin | 0% | <i>Roads and Bridges</i> | \$35,769 | \$6,829 | \$28,940 |
| Total | | | \$2,040,426 | \$384,377 | \$1,656,050 |

| Company | Bow St. Share | Asset ID | Tax Depreciation to 5/1/2015 | Tax Basis 5/1/2015 | Bow Street Share |
|--------------|---------------|------------------------------------|------------------------------|--------------------|------------------|
| Franklin | 3% | <i>Powerhouse and Improvements</i> | \$31,558 | \$481,055 | \$15,186 |
| Franklin | 0% | <i>Dam</i> | \$27,553 | \$419,995 | \$0 |
| Franklin | 12% | <i>Intake structure</i> | \$2,709 | \$41,300 | \$4,859 |
| Franklin | 0% | <i>Waterway</i> | \$4,202 | \$64,060 | \$0 |
| Franklin | 50% | <i>Accessory Equipment</i> | \$18 | \$281 | \$141 |
| Franklin | 50% | <i>Electrical Equipment</i> | \$6 | \$88 | \$44 |
| Franklin | 0% | <i>Turbines and Generators</i> | \$23,527 | \$358,630 | \$0 |
| Franklin | 22% | <i>Control Panel</i> | \$4,881 | \$74,406 | \$16,535 |
| Franklin | 50% | <i>Power Lines</i> | \$49 | \$745 | \$372 |
| Franklin | 12% | <i>Step-up Transformer</i> | \$477 | \$7,266 | \$886 |
| Franklin | 12% | <i>Substation</i> | \$37 | \$557 | \$68 |
| Franklin | 12% | <i>Switch Gear</i> | \$2,543 | \$38,771 | \$4,726 |
| Franklin | 12% | <i>Miscellaneous - 334</i> | \$1,768 | \$26,956 | \$3,286 |
| Franklin | 0% | <i>Crane</i> | \$428 | \$6,523 | \$0 |
| Franklin | 100% | <i>Miscellaneous -335</i> | \$414 | \$6,307 | \$6,307 |
| Franklin | 0% | <i>Roads and Bridges</i> | \$1,782 | \$27,159 | \$0 |
| Total | | | \$101,952 | \$1,554,098 | \$52,409 |

Attachment 12(i)
FERC Exemption

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

33 FERC 162,342

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Franklin Industrial Complex, Inc.) Project No. 3760-000 and
3760-001

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

(Issued June 14, 1983)

On March 20, 1980, Franklin Electric Light and Power Company (FELP) filed a license application for the proposed Franklin Falls Project No. 3093, located on the Winnepesaukee River in Franklin, New Hampshire. On September 10, 1980, FELP filed a preliminary permit application for the proposed Stevens Mill Dam Project No. 3454, located on the Winnepesaukee River in Franklin, New Hampshire.

Franklin Industrial Complex, Inc. (FICI) filed on November 19, 1980, an application for license for the proposed Franklin Mills Project No. 3760, which would compete with Project Nos. 3093 and 3454. While its license application was still pending, FICI filed a competing application for exemption Project No. 3760-001 from Part I of the Federal Power Act, on April 28, 1981, and subsequently revised the exemption application on March 15, 1983, for the proposed Stevens Mill Dam Project. 1/ The application was filed pursuant to the Commission's regulations, 18 C.F.R. §§4.101-4.108 (1982), implementing Section 408(b) of the Energy Security Act of 1980 (ESA). 2/ Subsequently, on April 6, 1983, FELP withdrew its applications for Projects Nos. 3093 and 3454.

thereby leaving the exemption application for Project No. 3760-001 as the outstanding application for the proposed site. 3/

FICI's original exemption application proposed, *inter alia*, the construction of a powerhouse on the bank of the Winnepesaukee River and the removal of the lower Memorial Street Dam. Citizens of the City of Franklin, New Hampshire, the Franklin Fire Department, and the Franklin Revitalization Committee expressed opposition to this proposal, asserting that it would seriously impair the City's fire protection system and adversely affect the aesthetics of the City. The revised exemption proposal described below entails the utilization of the existing powerhouse and an existing penstock. The project is located within the Franklin Falls Historic District, a property listed in the National Register of Historic Places. The project would not have an adverse effect on the historic structures in the district if the Exemptee implements certain measures to avoid and mitigate impacts recommended by the New Hampshire State Historic Preservation Officer and the Commission's staff. The Advisory Council on Historic Preservation has been consulted concerning the effect of the project on the historic district. Article 6 requires implementation of the recommended measures. It appears that these measures, taken in conjunction with the revised plans, address the concerns raised by those commenting on the original exemption application and indicate that the proposed exemption project is in the public interest.

Notice of the exemption application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

1/ FICI's license and exemption proposals are substantially identical. Because of the action taken on the exemption application, the application for license is dismissed in Ordering Paragraph (b) below.

2/ Pub. Law 96-294, 94 Stat. 611. (1980). Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

DC-A-9

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1982). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. §385.1902, 47 Fed. Reg. 19047 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

ALG-NH02022

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Project Description

The proposed project as described in the March 15, 1983, amendment to the exemption application originally filed on April 20, 1981, would be located on the Winnepesaukee River, in Merrimack County, New Hampshire and would consist of: (1) an existing 27-foot-high concrete gravity dam known as the Stevens Dam and designated as No. 27.02 by the New Hampshire Water Resources Board; (2) an existing one-acre reservoir with a normal water surface elevation of 117.24 feet M.S.L.; (3) a proposed 740-foot-long penstock beginning at the Stevens Dam and running along the south bank. At the northwest corner of the south Stevens Mills building the penstock would connect to (4) an existing 420-foot-long penstock to; (5) the existing River Bend powerhouse with new units having a total installed capacity of 1,600 kW; (6) an existing 150-foot-long penstock at the Stevens Mill Dam connected to the existing Bow Street powerhouse at the north river bank containing turbine generators with a total rated capacity of 340 kW; (7) two transmission lines; and (8) appurtenant works.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded FICL in conjunction with this exemption.

Should FICL contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Stevens Mills Project No. 3760-001 as described and designated in Franklin Industrial Complex's application filed on April 20, 1981, and amended on March 15, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article:

≅ River
≅ 1600
≅ Stearns mill
→ 250 kW - Today

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Article 6. The Exemptee shall, in consultation with the New Hampshire State Historic Preservation Officer (SHPO), and prior to any construction that will impact any structural components of the Franklin Falls Historic District, implement the following measures to avoid or mitigate impacts to the district from the project: (1) project construction shall not include the demolition of any historic building within the district; (2) the new penstock in the Stevens Mill powerhouse will be constructed so as to exit the west wall of the building in a manner similar to that of the existing penstock on the east side; (3) the Secretary of the Interior's Standards for Historic Preservation Projects shall be adhered to in all exterior rehabilitation and restoration work at the River Bend, Stevens Mill, and Bow Street hydroelectric stations, in repairs and any necessary rehabilitation or restoration of Stevens Mill Dam and existing penstock, and in the construction of new penstock; (4) the existing penstock and the internal equipment of the River Bend, Stevens Mill, and Bow Street hydroelectric stations will be assessed to determine their historical significance, and will be documented in a report according to the standards of the Historic American Engineering Record of the U.S. Department of the Interior if it is determined that such equipment or penstock is significant and will be impacted by the project; (5) the number and location of dry hydrants or other fire protection measures that will be necessary in the project vicinity for the historic district will be approved by the Fire Chief of the City of Franklin; (6) Riprap will be placed on the side of the island nearest the River Bend Mill to prevent excessive erosion from the tailwater of the River Bend station. The Exemptee shall make funds available in a reasonable amount for the implementation of these measures as required. If any previously unrecorded archeological or historical sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Exemptee shall consult with the SHPO to develop and implement a mitigation plan for the protection of significant archeological or historical resources.

(B) The license application filed on November 9, 1980, by Franklin Industrial Complex, Inc. for Project No. 3760-000 is dismissed.

Lawrence R. Anderson
Lawrence R. Anderson
Director, Office of Electric
Power Regulation

§ 4.106 Standard terms and conditions of exemption from licensing.
Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit B of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified licensee and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within 36 months, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the

(d) Article 4. This exemption is subject to the navigational entitlement of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified licensee and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

Attachment 12(ii)
Water Quality Certificate

The State of New Hampshire

STAFF

COMMISSIONERS

J. LCOX BROWN, Chairman
CHARLES E. BARRY
JOHN C. COLLINS, P.E.
DELBERT F. DOWNING
RUSSELL DUMAIS
HERBERT A. FINCHER
RICHARD M. FLYNN
WILBUR F. LaPAGE
JAMES J. PAGE
WAYNE L. PATENAUDE
DAVID G. SCOTT
WILLIAM T. WALLACE, M.D., M.P.H.



WILLIAM A. HEALY, P.E.
Executive Director

DANIEL COLLINS, P.E.
Deputy Executive Director and
Chief Engineer

Water Supply and Pollution Control Commission
Hazen Drive — P.O. Box 95
Concord, N.H. 03301

November 7, 1984

Franklin Industrial Complex, Inc.
Smith and Canal Streets
Franklin, NH 03235

Subject: Water Quality Certificate: F-476
Construction of Temporary Cofferdam FERC 3760 (NEDOD-R-23-84-332)

To Whom it May Concern:

This will certify that on review of the subject request, the Commission has determined that the project described in the request will be in conformance with applicable New Hampshire laws; and that, to the best of its knowledge, no federal limitation applicable to the proposed project has been established under Section 301(b), 302, 306 or 307 of the Federal Water Pollution Control Act (P.L. 92-500), as amended to date.

This certification is furnished pursuant to Sections 401(a)(1) and 401(d) of the Act.

Very truly yours,

Handwritten signature of Laurie K. Cullerot in cursive.

Laurie K. Cullerot
Project Coordinator

LKC:js

cc: Delbert Downing, Chairman, NH Wetlands Board

Lisa Jones
Dept. of the Army
N.E. Division, Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

THE STATE OF NEW HAMPSHIRE
WETLANDS BOARD
Concord, N.H.

PERMIT

This certifies that Franklin Industrial Complex, Inc.
of Smith & Canal Street, Franklin, NH 03235 EXPIRES ON: April 17, 1986
on April 17, 1984
in accordance with RSA 483-A (supp) was issued a permit No. F-476 to perform the following
activities in or adjacent to Winipesaukee River Franklin
(water body) (town)
Removal of timber crib section and construction of penstock.
(description)

in accordance with plans and specifications on file with the Wetlands Board.

Specific conditions:

Approval as per plan and applicaiton with PER ORDER OF WETLANDS BOARD
standard siltation control conditions Delbert F. Downing
and modification per letter 4/3/84. Chairman

THIS PERMIT SHALL BE POSTED DURING CONSTRUCTION IN A SECURED MANNER IN A PROM-
INENT PLACE AT THE SITE OF THE APPROVED PROJECT.

Notify Board upon completion. Inspection may be made for conformity with permit.
Tel. (603) 271-2147

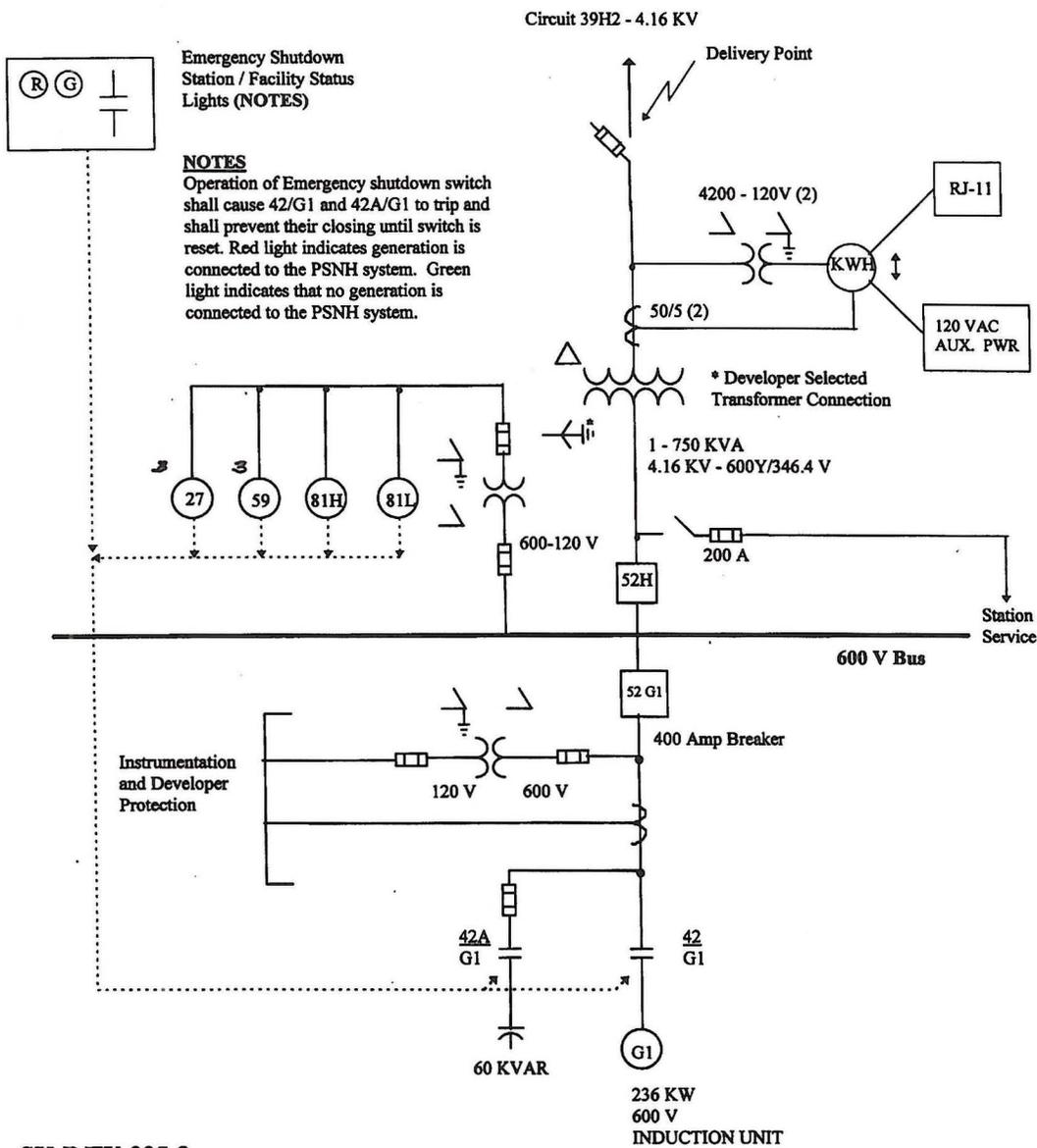
E-2003

MAILED
Date 4-20-84

Attachment 13

One-line Diagram

**Stevens Mills Hydro
SESD Site No. 005**



Attachment 15
Amendment to FERC Exemption

84 FERC ¶ 62,162

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Franklin Industrial Complex, Inc.) Project No. 3760-007

ORDER AMENDING EXEMPTION

AUG 20 1998

On April 17, 1997, Algonquin Power Systems, Inc., Operating Manager for Franklin Industrial Complex, Inc., exemptee for the Stevens Mill Project, FERC No. 3760, filed an application to amend its exemption. The exemptee requested the Commission's approval to remove an idle generating unit G2 placed in the Bow Street Powerhouse. The project is located on the Winnepesaukee River within the City of Franklin, Merrimack County, New Hampshire.

BACKGROUND

On June 14, 1983, the Stevens Mill Project was exempted from licensing. 1/ The project was authorized with two powerhouses with a total installed capacity of 1,940 kW. The Bow Street Powerhouse, located on the north side of the Winnepesaukee River, originally consisted of a single unit rated at 340 kW. The River Bend Powerhouse, located near Central Street, contained a single unit with a total rating of 1,600 kW. On November 28, 1990, the 340 kW unit in the Bow Street Powerhouse was replaced with two generator units having capacity ratings of 236 kW G1, and 225 kW G2. The 1,600 kW unit G3, on the River Bend Powerhouse, was upgraded to 1,700 kW. On April 16, 1991, 2/ the exemption was amended to revise the project's authorized capacity from 1,940 kW to 2,161 kW.

On September 18, 1996, the New York Regional Office (NYRO) inspected the project. During the inspection, NYRO found that turbine unit G2 has been idle since 1992, because of mechanical difficulties. By a letter dated September 27, 1996, the exemptee was requested to provide a plan and schedule to restore the unit, or to file an amendment of the exemption to remove the unit from the project. The exemptee filed an application to amend its exemption on April 17, 1997, and included a revised Exhibit A for the Commission's approval.

1/ See, 23 FERC ¶62,342.

2/ See, 55 FERC ¶62,037, Order Amending Exemption.

980824.0344.3

DC-A-1

FERC - DOCUMENTED
AUG 20 1998

Project No. 3760-007

-2-

PROJECT DETAILS

In the April 17, 1997, application, the exemptee proposes to remove existing Unit G2 from the Bow Street Powerhouse, and explains the following:

- An economic analysis of the feasibility of repairing the unit determined that, the cost to repair unit G2 would far exceed the annual revenue the turbine would produce.
- In 1985, the exemptee removed an existing generating unit G1 on the Bow Street side, and installed a Flygt unit. The unit was installed to maintain the minimum flow requirements set forth in Article 2 of the exemption. The unit is presently operating and provides the minimum compensation flow to the bypass reach.
- The removal of unit G2 will not impact the minimum flow, downstream fish passage, or other environmental resources. Turbine unit G2 was installed in 1907, rehabilitated in 1986 with used parts, and produced about 225 kW. Its maximum hydraulic capacity was approximately 200 cfs. It was only used when the river flows exceeded 1,100 cfs, which was approximately 15% of the time during a normal year.
- The work of removing unit G2 from the project would involve: removing trash-racks at intake gate, and permanently seal and secure the gate; and securing powerhouse building including doors, windows, and railings. The work will be completed by October 30, 1998.

CONSULTATION

On June 17, 1997, the Commission issued a public notice, with a comment date on August 6, 1997, concerning the exemptee's proposal. No comments, protests, or motions to intervene were filed. In addition, the exemptee contacted the New Hampshire Department of Environmental Services, New Hampshire Fish and Game Department, and the United States Fish and Wildlife Service. They have no objections or questions on the amendment, and removal of the idle unit. They requested the exemptee to maintain the required flow to the bypass reach, and follow all environmental requirements in the exemption.

In a letter dated July 7, 1997, to the exemptee, staff requested comments from the New Hampshire State Historic preservation office (SHPO). The comments were required pursuant to Article 6 of the exemption, and prior to the removal of any

Project No. 3760-007

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equipment. In the letter, staff made a proposed determination that the exemptee's proposal will have no effect on cultural resources. In a letter dated July 29, 1997, the exemptee included SHPO's response stating that, since none of the existing equipment is historically significant, they do not object to the amendment application.

DISCUSSION

The following summarizes staff's review of the application:

Environmental Impacts In our review of the filings, we find that the environmental impacts from removing the turbine would be negligible because it would not involve ground disturbing activities. Removing the turbine would have no effect on minimum flows, fish passage, water quality, or historic properties. The exemptee consulted with the U.S. Fish and Wildlife Service, New Hampshire Fish and Game Department, New Hampshire Department of Environmental Services and the New Hampshire Division of Historical Resources's State Historic Preservation Officer concerning removal of the turbine. There are no objections to the proposed action.

Installed Capacity The removal of unit G2 will result in a reduction of the total installed capacity of the project by 225 kW. The revised exhibit A describes two powerhouses, each contains a single generating unit rated at 236 kW (G1), and 1,700 kW (G3), for a total rated capacity of 1,936 KW.

Exhibit Revisions While reviewing this amendment proposal, staff found minor inconsistencies on prior approved exhibits. An Order Approving As-Built Exhibits, issued April 25, 1991, ^{3/} labeled exhibits F-1 through F-5, as drawing Nos. 11 through 15, which show project features. The order also approved Exhibit G-1, as drawing No. 16 that shows the project boundary. However, Section 4.107 of the Commission's Rules and Regulations identifies Exhibit B drawings to show the project boundary, and land ownership, and Exhibit G drawings to show the structures and equipment necessary for features. Therefore, to resolve the discrepancy, this order will reassign new exhibit numbers to the approved exhibits. This order relabels exhibits F-1 through F-5, as G-1 through G-5 to show the project features, and exhibit G-1, as B-1 to show the project boundary. Ordering paragraph (D) summarizes the reassigned exhibits. The exemptee is not required to file aperture cards for the reassigned exhibits. However, the removal of unit G2 will affect exhibit drawings G-1 and B-1 (formerly

^{3/} See, 55 FERC ¶62,066, Order Approving As-Built Exhibits.

Project No. 3760-007

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labeled as F-1 and G-1, approved by the April 25, 1991 order). Therefore, within 90 days of issuance of this order, the exemptee must submit for approval revised exhibits reflecting the removal of unit G2 from the project.

This order will amend the exemption for the Steven's Mill Project, to allow the removal of generating unit G2 from the Bow Street Powerhouse. This order approves the revised exhibit A, which conforms the Commission's Rules and Regulations. This order also requires the exemptee to file revised exhibit drawings for the Commission's approval.

The Director orders:

(A) The exemption for the Stevens Mill Project, FERC No. 3760, is amended as provided by this order, effective the first day of the month in which this order is issued.

(B) The project Description in the exemption is revised, in part, to read:

(2) Project works consisting of": . . . ; (5) The River Bend Powerhouse containing Unit 3, rated at 1,700 kW; (6) The Bow Street Powerhouse at the North river bank containing a single Flyght, vertical Kaplan Unit 1, rated at 236 kW . . . "

(C) The revised exhibit A, filed on April 17, 1997, conforms to the Commission's rules and regulations and is approved and made part of the license, superseding the existing exhibit A.

(D) The following table reassigns to previously approved exhibit drawings new FERC exhibit numbers:

Table 1

| OLD EXHIBIT No | REASSIGNED EXHIBIT No. | FERC DRAWING No. | DRAWING TITLE |
|----------------|------------------------|------------------|-----------------------------|
| F-1 | G-1 | 3760-11 | PROJECT GENERAL ARRANGEMENT |
| F-2 | G-2 | 3760-12 | UNIT III- INTAKE PLAN |
| F-3 | G-3 | 3760-13 | UNIT III- INTAKE SECTIONS |
| F-4 | G-4 | 3760-14 | UNIT III-POWERHOUSE SECTION |
| F-5 | G-5 | 3760-15 | UNIT III- POWERHOUSE PLAN |
| G-1 | B-1 | 3760-16 | PROJECT BOUNDARY |

(E) Within 90 days of the date of issuance of this order, the exemptee will file for approval an original and eight copies

Project No. 3760-007

-5-

of revised exhibit G-1 and B-1 drawings showing the as-built conditions of the project.

(F) The exemptee will report to the Commission any future proposed changes to the project prior to implementing them.

(G) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Carol L. Sampson
Carol L. Sampson
Director
Office of Hydropower Licensing