

**FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426**

OFFICE OF ENERGY PROJECTS

**Project No. P-2506-217—Michigan
Escanaba Hydroelectric Project
Upper Peninsula Power Company**

**Mr. Terry P. Jensky
Vice President – Energy Supply Operations
Wisconsin Public Service Corporation
P.O. Box 19001
Green Bay, WI 54307-9001**

February 10, 2012

Subject: Article 401 Minimum Flows – Boney Falls Development

Dear Mr. Jensky:

This is in response to your report filed January 20, 2012, informing us of a deviation from the run-of-river flow requirement at the Escanaba Project No. 2506. Article 401 of your license requires that you maintain run-of-river operation at each of the project's developments for the protection of aquatic resources in the Escanaba River.

Article 401

Article 401 requires that you operate the project in run-of-river operation. Run-of-river operation may be temporarily modified if required by operating emergencies beyond your control, and for short periods, upon mutual agreement among the licensee, the Michigan Department of Natural Resources (MDNR), and U.S. Fish and Wildlife Service (FWS). If the flow is modified, the licensee is required to notify the Commission and MDNR as soon as possible, but no later than 10 days after the incident.

Summary of Events

On Thursday, January 12, 2012, run-of-river operation was interrupted at 16:08 EST, when a transmission line fault occurred due to a severe storm in the area with high winds and snow. An operator was called out to open a gate and return the plant to operation. Run-of-river operation was re-established at 17:27 EST and the line was inspected with no obvious fallen or leaning trees identified. The line was cleared and the plant returned to normal operations on Friday, January 13, 2012 at 14:14 EST. The

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duration of the event was a total of 79 minutes. No adverse environmental effects were observed as a result of the deviation and the agencies – MDNR and USFWS– were informed of the events within the required 10 days by copy of the letter filed with the Commission.

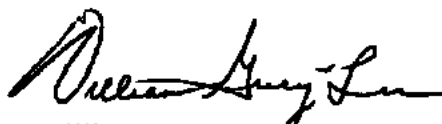
Conclusion

Based upon our review of the available information, we have determined that the temporary deviation that occurred on January 12, 2012, does not constitute a violation of Article 401 of your license. You took the necessary steps to make adjustments to adapt to changing circumstances and then restored the project, as quickly as possible, to normal operation. The appropriate agencies and the Commission were timely notified.

In addition, with the installation of temporary fault indicators and your line maintenance process, you are making efforts to determine the exact nature and cause of these line faults in order to proactively improve line reliability.

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please contact Linda Jemison at (202) 502-6363.

Sincerely,



William Guey-Lee
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 5147-014 – Texas
Cuero Hydroelectric Project
Small Hydro of Texas, Incorporated

FEB 10 2012

Mr. James H. Hoffman
Small Hydro of Texas, Incorporated
P.O. Box 1667
Victoria, TX 77902

Dear Mr. Hoffman:

On January 31, 2012, you filed a petition for surrender of exemption from licensing for the Cuero Hydroelectric Project.¹ The filing, if approved by the Commission would terminate the "Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less and Denying Competing Application for Preliminary Permit" issued November 20, 1981. In our initial review we found you must provide additional information in order to meet the Commission's requirements for surrender of exemption under 18 CFR 4.102.

Your filing to surrender the exemption should have included a proposed surrender plan to dispose of project works and address any site restoration necessary to ensure public safety and to protect the environment. Your surrender plan should include a current description of the condition of the project dam and reservoir. In your surrender petition you stated that there has been no construction activity since 2006. Please note that the construction provisos in 18 CFR 4.102 refer to construction of the project on the whole, not just construction related to repairs or maintenance of project facilities.

Your application did not include documentation of consultation, copies of any comments and recommendations on the completed application after it has been prepared and provided to the necessary agencies, nor specific descriptions of how the agencies' comments are accommodated by the application. You should have allowed a minimum of thirty days for the agencies to comment and to make recommendations prior to filing the application with the Commission. If you did not adopt a recommendation, your filing should have included your reasons, based on project-specific information.

¹ 17 FERC 62,269 (1981).

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An original and eight copies of a cover letter including the requested information should be addressed to the Secretary and submitted within 60 days of this letter to the following address:

**Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
Mail Code: DHAC, PJ-12.6
888 First Street, NE
Washington, D.C. 20426**

However, the requested information may also be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001 (a) (1) (iii) and the instructions on the Commission's website at <http://www.ferc.gov/docs-filing/efiling.asp>. Please include the project number (P-5147-014) on any document filed pursuant to this request.

If you have any questions regarding this letter, please contact Henry Woo at (202) 502-8872, or by email at henry.woo@ferc.gov.

Sincerely,



**Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance**

cc: Mr. Jerome Brown

Document Content(s)

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