

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 12252-000 – New York
Great Sacandaga Lake Project
Hudson River-Black River Regulating
District

May 26, 2023

VIA FERC Service

Robert S. Foltan
Hudson River-Black River Regulating District
350 Northern Boulevard
Albany, NY 12204

Subject: Project Operations and Pending Request for Declaratory Order Proceeding

Dear Robert S. Foltan:

This is in response to a May 17, 2023 filing by Erie Boulevard Hydropower, L.P. (Erie), licensee for the E.J. West Project No. 2318.¹ Erie alleges that you intend to re-route water releases from the Sacandaga Reservoir of your Great Sacandaga Lake Project No. 12252 (GSL Project)² around rather than through the E.J. West Project's generating facilities.³ Erie states that you plan to begin this operational change at the expiration of the existing reservoir operating agreement between Erie and the Hudson River-Black River Regulating District (District), which expires on June 30, 2023.

On January 25, 2023, you filed a petition for declaratory order requesting the Commission to decide whether Erie must maintain a property interest in 56 feet of

¹ *Erie Boulevard Hydropower, L.P.*, 100 FERC ¶ 61,322 (2002).

² *Hudson-River Black River Regulating Dist.*, 100 FERC ¶ 61,319 (2002).

³ See Erie May 17, 2023 Filing in Docket Nos. P-2318-053, P-2318-054, P-12252-035, and P-12252-036.

hydraulic head created by the GSL Project.⁴ On January 27, 2023, Erie filed a petition for declaratory order for the Commission to resolve a dispute that section 10(f) of the Federal Power Act⁵ preempts charges assessed against Erie by the District for releases from the GSL Project, and that the District would violate its license should it divert all water around the E.J. West Project or significantly change the timing of releases without prior Commission authorization.⁶

As noted above, your ability to make the operational change under your license identified by Erie is an aspect of the ongoing declaratory order proceedings. You may violate your license if you make such a change to GSL Project operations without prior authorization from the Commission.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Jeremy Jessup at (202) 502-6779 or Jeremy.Jessup@ferc.gov.

Sincerely,

CarLisa Linton
Director
Division of Hydropower Administration
and Compliance

CC: VIA Electronic Mail

Danny Maguire
Brookfield Renewable
Danny.Maguire@brookfieldrenewable.com

Jacob A. Pollack
Brookfield Renewable
jacob.pollack@brookfieldrenewable.com

Justin Glick
Brookfield Renewable
justin.glick@brookfieldrenewable.com

⁴ District January 25, 2023 Petition.

⁵ 16 U.S.C. § 803(f).

⁶ Erie January 27, 2023 Petition.

Julia S. Wood
Rock Creek Energy Group, LLP
jwood@rockcreekenergygroup.com

Sharon L. White
Rock Creek Energy Group, LLP
swhite@rockcreekenergygroup.com

John C. Callaghan
Hudson River-Black River Regulating District
jcallaghan@hrbrd.ny.gov

Robert Leslie, Esq.
Hudson River-Black River Regulating District
rleslie@hrbrd.ny.gov