



Hudson River - Black River Regulating District

KATHY HOCHUL
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MARK M. FINKLE
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JOHN C. CALLAGHAN
Executive Director

September 5, 2023

Via Email at Jeremy.Jessup@ferc.gov

Mr. Jeremy Jessup, PE
Headwater Benefits Lead
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Request for Authorization to Divert Flow – P-2318/P-12252

Mr. Jessup,

The Regulating District is in receipt of the Commission’s August 16, 2023 letter addressing its July 5, 2023 request for authorization to divert flows at the Great Sacandaga Lake Project No. 12252 (GSL Project). We understand that the Regulating District must file an application to amend the project P-12252 license at Conklingville Dam/Sacandaga Reservoir before the Commission may consider this request.

Our inquiry pertains to the scope of the prohibition articulated in the first paragraph of the Director’s letter. Despite the Director’s express prohibition, (“*You are not authorized to divert flows at this time...*”) Erie Boulevard Hydropower, LP does periodically request that the Regulating District do just that. For instance, on July 31, 2023, Erie representatives forecast a transmission line forced outage on August 2nd which they noted would require Erie to remove Erie’s E.J. West power plant (P-2318) located adjacent to the Regulating District’s Conklingville Dam from service for the duration of the outage. Erie’s representatives requested that the Regulating District divert flow around Erie’s E.J. West plant during the outage. The Regulating District has a long history of accommodating these types of requests from Erie over the two-decade life of the license and immediately indicated a willingness to, and in fact did, accommodate this request.

Anticipating future requests from Erie during the period necessary for the Regulating District to prepare the non-capacity amendment suggested in the Director's letter, we are concerned that accommodating these requests in the future may be inconsistent with the direction provided by the Commission in its August 16, 2023 letter. When Erie is unable to pass flows through its E.J. West plant and specifically requests that the Regulating District divert flows around the plant, as it has done on many occasions in the past, may the Regulating District accommodate Erie's request despite the prohibition articulated in the Commission's August 16th letter? Alternatively, if permission is required, must Erie seek the Commission's permission?

Sincerely,



John C. Callaghan
Executive Director