

147 FERC ¶ 61,119
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

Appalachian Power Company

Project No. 1290-013

ORDER GRANTING REHEARING AND AMENDING LICENSE

(Issued May 15, 2014)

1. On March 4, 2014, Appalachian Power Company (APCO) filed a request for rehearing of Commission staff's January 31, 2014 order¹ issuing a new license for the Winfield Hydroelectric Project located at the U.S. Army Corps of Engineers Winfield dam on the Kanawha River in Putnam County, West Virginia. We grant APCO's request for rehearing and amend the order, as discussed below.

Background

2. On January 31, 2014, Commission staff issued an order granting the Winfield Project a new license. Ordering Paragraph (B)(2) defines the licensed project works, stating in relevant part:

(e) a substation containing a generator step-up bank of one three-phase transformer and two auxiliary transformers;

3. In addition, Article 403 of the license requires the licensee to prepare an avian protection plan to "minimize the potential for bird collisions or electrocution with the project substation."

4. On March 4, 2014, APCO filed a timely request for rehearing.

Discussion

5. On rehearing, APCO asks the Commission to modify Ordering Paragraph (B) and Article 403 of the license. APCO states that including the entire substation as a licensed project work is in error because certain facilities located within the substation are related

¹ *Appalachian Power Co.*, 146 FERC ¶ 62,087 (2014).

to the operation of two non-jurisdictional transmission lines, which are part of APCO's distribution system, and are not needed for operation of the project.

6. We agree. The substation is a multi-use facility.² It is used by the project to step up the output of the project's three turbine-generator units from 4 kV to 69 kV before its connection to the grid. In addition, the substation serves as a switching station for two non-jurisdictional transmission lines and includes facilities and structures related to that function (e.g., circuit breakers, switches, steel superstructure).³ Licensed project works are limited to the physical structures that are part of the complete unit of development of a project,⁴ in this case the generator leads, one 4 kV to 69 kV three-phase generator step-up transformer, and two auxiliary 4 kV to 460 kV transformers. A facility's mere location within the project boundary does not mean it constitutes a licensed project work. To be a licensed project work, it must serve a project purpose.

7. For the above reasons, we grant rehearing and amend Ordering Paragraph (B)(2)(e) as requested by APCO.

8. Since only some facilities within the substation are licensed project works, APCO notes that the scope of the avian protection plan required by Article 403 should be limited to these same facilities. We agree and will amend Article 403 accordingly.

The Commission orders:

(A) Appalachian Power Company's March 4, 2014 request for rehearing of the January 31, 2014 order issuing a new license for Project No. 1290 is granted.

(B) Ordering Paragraph (B)(2)(e) of the order is revised to state:

generator leads, one 4 kV to 69 kV three-phase generator step-up transformer, and two auxiliary 4 kV to 460 kV transformers;

(C) The second sentence of the first paragraph of Article 403 of the order is revised to state:

² The substation is an area adjacent to the powerhouse that is roughly 175 feet long and 100 feet wide.

³ See 146 FERC ¶ 62,087, at P 18 (2014); Request for Rehearing at 4.

⁴ See sections 3(11) and 3(12) of the Federal Power Act, 16 U.S.C. §§ 796(11) and (12) (2012).

The purpose of this plan is to minimize the potential for bird collisions or electrocution with the project's generator leads, generator step-up transformer, and two auxiliary transformers.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.