

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No's. 67, 120, 2085, and 2175-  
California  
Big Creek Nos. 2A, 8, Eastwood; Big  
Creek No. 3; Mammoth Pool; and Big  
Creek Nos. 1 and 2  
Southern California Edison

Mr. Geoff Rabone  
Relicensing Project Manager  
Southern California Edison  
300 N. Lone Hill Ave.  
San Dimas, CA 91773

MAR 15 2000

Dear Mr. Rabone:

Thank you for your December 9, 1999, request to use the alternative procedures in relicensing the existing hydroelectric projects - Big Creek Nos. 2A, 8, and Eastwood; (FERC No. 67); Big Creek No. 3 (FERC No. 120); Mammoth Pool (FERC No. 2085); and Big Creek Nos. 1 and 2 (FERC No. 2175). We've reviewed your request, and the comments filed by the U.S. Department of the Interior (Interior), the U.S. Forest Service (FS) and the California State Water Resources Control Board (SWRCB), in response to our December 23, 1999, notice of your request.

Interior concurred with the use of alternative procedures and with the consolidation of the four interrelated Big Creek relicenses.

The FS initially recommended that all seven projects in the Big Creek system be relicensed at the same time. Under this approach several projects in the system currently undergoing relicensing efforts (e.g. Big Creek No. 4, FERC No. 2017; Vermillion Valley, FERC No. 2174; and Portal, FERC No. 2086) would be delayed. The FS was also concerned about relying on reopener clauses in these three licenses should they be issued ahead of the other projects in the basin. The FS's concern was that they wouldn't have enough data or corresponding analysis to support their submittals of license reopener recommendations under the process being proposed. However, after further consultation with SCE the FS reports that they now agree with SEC's proposal for using the alternative licensing process (personal communication, Carol Efird, Forest Lands Officer, Sierra National Forest, Clovis, California, March 3, 2000).

The SWRCB in their January 21, 2000, comment letter gave general support of your request to use the alternative licensing process, but expressed a few remaining

000321.0153.3

FERC-DOCKETED  
C.N.  
MAR 15 2000

concerns with the draft Communications Protocol relating to service requirements of electronic communications and *ex parte* communications, and the frequency and location of meetings. To address these remaining concerns, we recommend that additional consultation be conducted with all of the parties before the Communications Protocol is revised. Once it is revised, please file it with the Secretary of the Commission.

We have one additional recommendation regarding your draft Communications Protocol. Order 607 (Regulations Governing Off-the-Record Communications) issued by the Commission on September 15, 1999, emphasizes that projects in the pre-filing stages are not subject to the *ex parte* rule. Therefore, we recommend that you discuss Order 607 with the parties and at a minimum remove the wording in the section of the draft Communications Protocol entitled **Communication with FERC Staff** that states the *ex parte* rule applies to all FERC communications.

We see as one of the main benefits of the alternative procedures, better communication and collaboration among all people and organizations interested in hydrolicensing. Based on our experience with the process, this enhanced participation can be a challenge for tribes, conservation groups, private citizens, and agencies working with limited budgets. Not all participants may be able to attend every meeting or comment on every piece of information generated during the pre-filing period. We ask you, therefore, to take special care to highlight the key commenting points in the process as it unfolds.

Getting agreement on when there is sufficient information on which to base decisions for these projects will be a difficult issue, regardless of the process used. Nonetheless, we see the alternative procedures as a way of coordinating and enhancing how we meet our individual responsibilities.

The Commission recognized the possibility in the final rule on the alternative procedures, that there might be uncertainty about the process at the outset, but said that in such situations it was worth trying the alternative procedures rather than closing the door on this option. Therefore, I am approving your request to follow the alternative

procedures in accordance with the Commission's Regulations for Licensing Hydroelectric Projects at 18 CFR § 4.34 (i). If you have any questions, please call Michael Henry at (503) 944-6762.

Sincerely,

A handwritten signature in black ink that reads "Ann Miles". The signature is written in a cursive, slightly slanted style.

Ann Miles  
Group Leader  
Hydro West Group 1

cc: Mailing List, Public File