

Electronically filed August 18, 2021

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Subject: Cutler Hydroelectric Project (FERC Project No. 2420)
Request to Expedite Updated Study Report Process**

Dear Secretary Bose:

PacifiCorp is requesting the Federal Energy Regulatory Commission (FERC) expedite the Updated Study Report (USR) Process for the Cutler Hydroelectric Project (Project), FERC No. 2420. This request provides FERC with the basis to update the previously approved Process Plan and Schedule as outlined in FERC's Scoping Document 2 (SD2) issued on September 13, 2019¹ pursuant to 18 Code of Federal Regulations (CFR) §5.10.

PacifiCorp has been in regular communication with interested stakeholders on the expedited USR Process dating back to the filing of the Initial Study Report (ISR) Meeting on February 23, 2021, in which PacifiCorp presented in the ISR meeting that the USR would be filed in July or August 2021, along with the notice to file a Draft License Application (DLA). Additionally, the ISR meeting summary² included reference to the USR being filed in August 2021, and the cover letter of the May 5, 2021 response to comments³ also noted that the USR would be filed later in 2021. PacifiCorp conveyed a "Save the Date" to FERC on August 2, 2021, with information about the USR filing and August 31, 2021 USR meeting. Stakeholders were notified on August 3, 2021; a conference center has been booked, and many stakeholders have already accepted this invitation. No stakeholder has identified any conflict with this date.

PacifiCorp maintains that the intent of FERC's Integrated Licensing Process (ILP) regulations is to allow all parties, including interested stakeholders, to fully evaluate Project effects and collaboratively develop new license conditions. The Process Plan and Schedule outlined in SD2 for the Project relicensing provides that the USR would be filed in late February 2022, after which a meeting would be held in early March 2022; PacifiCorp understood these dates to be not-later-than dates, per the correlated regulations.⁴ With the timing of the 30-day comment periods, and the 30-day window for FERC's issuance of the Study Plan Determination, it is certain that the USR Process would not be completed prior to the required filing of the Final License Application, which is due March 2022. This scheduling conflict would not allow interested stakeholders to properly evaluate the results of the nine completed studies, provide thoughtful comments to FERC, and work collaboratively with PacifiCorp to develop mutually agreeable future protection,

¹ Accession No. 20190913-3036

² Pursuant to 18 CFR §5.15(c)(3)

³ Accession No. 20210505-5032

⁴ 18 CFR 5.15(f) *Updated study report*. Pursuant to the Commission-approved study plan and schedule provided for in § 5.13, or no later than two years after Commission approval of the study plan and schedule, whichever comes first..."

mitigation, and enhancement (PME) measures, their associated management plans, and future license conditions.

PacifiCorp has completed all nine studies (the last of the two outstanding studies were completed in March of 2021) as approved in FERC’s Study Plan Determination issued February 7, 2020, and is prepared to collaboratively discuss the USR results, Project effects, and remaining issues with our interested stakeholders.

PacifiCorp proposes to expedite the USR Process only, and to maintain all other pre-filing milestones as outlined in SD2, as outlined in the table below.

RESPONSIBLE ENTITY	PRE-FILING MILESTONE	PROPOSED DEADLINE	FERC REGULATION
PacifiCorp	Updated Study Report Due	August 17, 2021	5.15(f)
All Stakeholders	Updated Study Report Meeting	August 31, 2021	5.15(f)
PacifiCorp	Updated Study Report Meeting Summary	September 15, 2021	5.15(f)
All Stakeholders	Study Disputes/Request to Modify Study Plan Due	October 15, 2021	5.15(f)
PacifiCorp	Draft License Application Due	November 1, 2021	5.16(a)
All Stakeholders	Responses to Disputes/Study Requests	November 14, 2021	5.15(f)
FERC	FERC Study Plan Determination Issued	December 14, 2021	5.15(f)
All Stakeholders	Comments on Draft License Application	January 31, 2022	5.16(e)
PacifiCorp	Final License Application filed	March 31, 2022	5.17
	Public Notice of License Application		
PacifiCorp	Filing	April 14, 2022	5.17(d)(2)

Even under this proposed schedule to expedite the USR Process, the DLA would still be submitted before stakeholder responses on disputes, new studies, or study modifications are due.

In summary, PacifiCorp is requesting FERC expeditiously approve the USR schedule change to facilitate PacifiCorp and stakeholders to complete a thoughtful, sequential pathway from study conclusions to license application on a schedule that works for all stakeholders. Should there be any questions or concerns regarding this filing, please contact Eve Davies at 801-232-1704.

Sincerely,

Mark Sturtevant

Mark Sturtevant (Aug 18, 2021 09:29 PDT)

Mark Sturtevant
 Vice President, Renewable Resources

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