

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

April 26, 2010

The Honorable Jeff Bingaman
Chairman
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

RE: S.3100

Dear Chairman Bingaman:

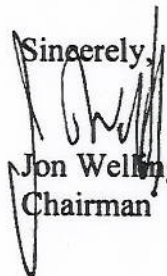
This letter is in response to your request for my views on S.3100. That bill would require the Federal Energy Regulatory Commission to grant a three-year extension of the commencement of construction deadline for the proposed 1.5-megawatt Little Wood River Ranch II Hydroelectric Project No. 12063, to be located on the Little Wood River, near the town of Shoshone, in Lincoln County, Idaho, and to reinstate the project license if necessary.

The Commission issued an original license for this project, to William Arkoosh, on March 17, 2006. The license provided that the company was required to commence project construction within two years of the date of the license, the maximum period permitted by section 13 of the Federal Power Act. The Commission subsequently granted a two-year extension of the commencement of construction deadline, again the maximum authorized by section 13. Construction had not commenced when that deadline expired, on March 16, 2010. Section 13 provides that, when construction has not timely commenced, the Commission must terminate the license. The Commission has not yet taken any steps to do so.

I and the last several Commission Chairmen have taken the position of not opposing legislation that would extend the commencement of construction up to 10 years from the date that the license in question was issued. Where proposed extensions would run beyond that time, there has been a sense that the public interest is better served by releasing the site for other public uses. Because S. 3100 authorizes the Commission to grant a three-year extension from the date of the bill's enactment, thus (assuming enactment during this session of Congress) extending the commencement of construction deadline to less than eight years from when the license was issued, I do not oppose the bill.

If I can be of further assistance to you on this or any other Commission matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Wellenghoff', written over the printed name.

Jon Wellenghoff
Chairman