

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.3099

Dear Chairman Bingaman:

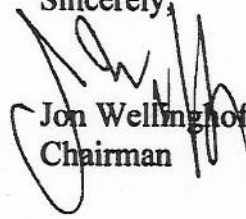
This letter is in response to your request for my views on S.3099. That bill would require the Federal Energy Regulatory Commission to reinstate, and grant a three-year extension of the commencement of construction deadline of, the license for the proposed 1.5-megawatt Lateral 993 Hydroelectric Project No. 12423, to be located at the juncture of the 993 Lateral Canal and the North Gooding Main Canal, northwest of the town of Shoshone, in Lincoln County, Idaho.

The Commission issued an original license for this project, to American Falls Reservoir District No. 2 and Big Wood Canal, on September 26, 2003. 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 September 26, 2007. Section 13 provides that, when construction has not timely commenced, the Commission must terminate the license. The Commission terminated the license by order dated August 3, 2009.

I and the last several Commission Chairmen have taken the position of not opposing legislation that would extend the commencement of construction deadline 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. 3099 authorizes the Commission to grant a three-year extension from the date of the bill's enactment, assuming that the bill is enacted by September 26, 2010, thus extending the commencement of construction deadline to ten 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,



Jon Wellinghoff
Chairman