

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5563

To reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2002

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. FINDINGS.**

4        The Congress finds that it is in the public interest  
5        to have reinstated by the Federal Energy Regulatory Com-  
6        mission ('FERC') the hydroelectric license for Project No.  
7        2696; and, to have FERC transfer the license to the Town

1 of Stuyvesant, New York, in order to utilize the hydraulic  
2 potential of waters of the United States.

3 **SEC. 2. REINSTATEMENT AND TRANSFER.**

4 (a) REINSTATEMENT AND TRANSFER OF FEDERAL  
5 LICENSE FOR PROJECT NUMBERED 2696.—Notwith-  
6 standing section 8 of the Federal Power Act (16 U.S.C.  
7 801) or any other provision thereof the FERC is directed  
8 to reinstate the license for Project No. 2696 and to trans-  
9 fer the license, without delay or the institution of any pro-  
10 ceedings, to the Town of Stuyvesant, New York, holder  
11 of Federal Energy Regulatory Commission Preliminary  
12 Permit No. 11787, within 30 days of enactment of this  
13 Act.

14 (b) EXTENSION OF LICENSE UPON PROJECT'S RE-  
15 TURN TO OPERATION.—The Federal Energy Regulatory  
16 Commission is directed to extend the expiration of the  
17 term of the license for Project No. 2696 to August 31,  
18 2025, if the project's generating capability to a minimum  
19 level of 1 MW on a reliable basis within 2 years of enact-  
20 ment of this Act.

21 (c) HYDROELECTRIC INCENTIVES.—Project No.  
22 2696 shall be entitled to the full benefit of any legislation  
23 passed by Congress that promotes hydroelectric develop-  
24 ment within 2 years either before or after this Act's effec-  
25 tive date.

1 (d) PROJECT FINANCING AND DEVELOPMENT.— The  
2 Commission shall permit the town to add as a co-licensee  
3 any private or public entity or entities to the reinstated  
4 license at any time, notwithstanding the issuance of a  
5 preliminary permit to the town of Stuyvesant and any con-  
6 sideration of municipal preference. The town shall be enti-  
7 tled, to the extent that funds are available or shall be  
8 made available, to receive loans under section 402 and 403  
9 of the Public Utility Regulatory Policies Act of 1978 (16  
10 U.S.C. 2702 and 2703), or similar programs, for the reim-  
11 bursement of feasibility studies, or development costs, or  
12 both, incurred since January 1, 2001 through and includ-  
13 ing December 31, 2006. All power produced by the project  
14 shall be deemed incremental hydropower for purpose of  
15 qualifying for any energy credit or similar benefits.

○