

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

GB Energy Park, LLC

Project No. 13642-003

ORDER GRANTING EXTENSION OF TIME TO COMMENCE CONSTRUCTION  
UNDER ARTICLE 301

(Issued September 13, 2018)

1. On September 5, 2018, GB Energy Park, LLC, licensee for the Gordon Butte Pumped Storage Project No. 13642, filed a request for an extension of time to commence construction as required under Article 301 of the license.<sup>1</sup> The project will be located in Meagher County, Montana, approximately three miles west of the town of Martinsdale. The project will not occupy federal land.

**Background**

2. Article 301 of the license requires the licensee to start construction of the project works within two years from the issuance date of the license and complete construction of the project within 5 years from the issuance date of the license, or December 14, 2018 and December 14, 2021, respectively.

3. Section 13 of the Federal Power Act (FPA) allows for the deadline to commence construction to be extended once, but for no longer than two additional years.<sup>2</sup>

**Extension of Time Request**

4. In the September 5 extension of time request, the licensee states that it has been working diligently to comply with its license articles and has been making progress toward development of the pump storage project but is still completing design, equipment procurement, and construction scheduling. Therefore, the licensee requests a two year extension of time to start construction.

5. The licensee explains that it has completed a number of its license requirements and other actions necessary before commencing construction. These actions include

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<sup>1</sup> *GB Energy Park, LLC*, 157 FERC ¶ 62,196 (2016).

<sup>2</sup> 16 U.S.C. § 806 (2012). Under section 13, failure to timely commence project construction will result in termination of the license.

filing and getting approval for Exhibit A (Article 202), Exhibit F (Articles 203 and 204), revised Exhibit G (Article 205), Hazardous Materials Containment and Fuel Storage Plan (Article 402), Spill Prevention, Control, and Containment Plan (Article 403), Operation Compliance and Monitoring Plan (Article 406), Noxious Weed Control Plan (Article 408), Vegetation Management Plan (Article 409), Avian Electrocution and Collision Protection Plan (Article 410), Construction Noise Mitigation Plan (Article 415), Construction Workforce Management Plan (Article 416), and Reservoir Clearing Plan (Form L-11, Article 20).

6. The licensee states that it is not requesting an extension of time to complete construction at this time but will request an extension of time to complete construction once it has more definitive information on construction scheduling, equipment procurement, and has completed the design of the project.

7. Section 4.202(b) of the Commission's regulations provides that an application for extension of the dates to commence or complete construction should be filed no less than three months (i.e. by September 14, 2018 for commencement of construction) prior to the dates so fixed. The licensee filed this extension of time request before the required filing deadline.

### **Discussion**

8. The licensee filed the request for the extension of time before the deadline of September 14, 2018 and has been making progress and taking constructive steps towards commencing construction. Furthermore, the licensee provided adequate justification for the extension of time request; therefore, the licensee's request to extend the deadline to start construction is reasonable and should be approved.

9. We remind the licensee that, pursuant to section 13 of the FPA, the deadline for starting construction may only be extended once, for a period not exceeding two additional years. Therefore, the Commission cannot grant any further extensions of time for the commencement of project construction.

The Director orders:

(A) GB Energy Park, LLC's request to extend the deadline to commence construction, required under Article 301 of the license for the Gordon Butte Pumped Storage Project No. 13642, to December 14, 2020 is approved.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2017). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

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