

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

GB Energy Park, LLC

Project No. 13642-003

ORDER GRANTING EXTENSION OF TIME TO COMMENCE AND COMPLETE
CONSTRUCTION PURSUANT TO ARTICLE 301

(Issued July 31, 2020)

1. On July 15, 2020; GB Energy Park, LLC; licensee for the Gordon Butte Pumped Storage Project No. 13642, filed a request for an extension of time to commence and complete construction as required under Article 301 of the license.¹ 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. Commission staff, in an unpublished September 13, 2018 Order Granting Extension of Time Under Article 301, extended the deadline to start construction to December 14, 2020.

3. On October 23, 2018, the America's Water Infrastructure Act of 2018 (Act)² was enacted. Section 3001(b) of the Act amended section 13 of the FPA to allow the Commission to grant extensions of time for the commencement of construction for up to eight years.

Extension of Time Request

4. In its July 15, 2020 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. The licensee states that it has completed the necessary studies and interconnection investigations and it is preparing to finalize the

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

² America's Water Infrastructure Act of 2018, Pub. L. No. 115-270, § 3001, 132 Stat 3765, 3862 (2018).

interconnection agreement with the affected utility group. The licensee also states that it has been working to market the project and is applying to utility requests for proposals and undergoing bilateral negotiations with various parties. However, the licensee explains that the utilities it is negotiating with are currently being affected by the current COVID-19 pandemic which caused the utility companies to postpone their resource acquisition processes. Therefore, the licensee requests a four-year extension of time to start construction. Furthermore, the licensee anticipates construction to take 4 years to complete and anticipates construction completion by 2029.

5. The licensee explains that it has completed a number of its license requirements and other actions necessary before commencing construction. The licensee states that the second Board of Consultants meeting was held on November 11, 2019 to review the design at the 60% level and discuss construction issues. The Potential Failure Mode Analysis was conducted and identified improvements which will be addressed in the project final design and construction.

Discussion

6. The licensee filed the request for the extension of time before the deadline of September 14, 2020,³ and has been making progress and taking constructive steps towards commencing construction. Furthermore, the licensee provided adequate justification for the extension of time request; however, we will only grant another two-year extension of time to the start of construction of the project. Since the licensee has completed many of its license requirements and other actions necessary before commencing construction, we do not believe that a four-year period is needed obtain an interconnection agreement and finalize the design (which is already close to 60% complete). If the licensee requires further extensions of time for start and completion of project construction, then it must file another extension of time request and provide more specific information to explain further delays. Finally, we remind the licensee that it must satisfy all preconstruction requirements of the license prior to beginning construction.

³ 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 prior to the dates so fixed.

The Director orders:

(A) GB Energy Park, LLC's July 15, 2020 request to extend the deadlines to commence and complete construction, required under Article 301 of the license for the Gordon Butte Pumped Storage Project No. 13642, is approved for two additional years. The extended deadline to commence project construction is December 14, 2022, and the extended deadline to complete project construction is December 14, 2025.

(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 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2019). 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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