

82 FERC ¶ 52,164

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Power & Light Company) Project No. 2348-013
Midwest Hydro, Inc.)

ORDER APPROVING TRANSFER OF LICENSE

MAR 10 1998

Wisconsin Power & Light Company (WPL) seeks Commission approval to transfer its license 1/ for the Beloit Blackhawk Project to Midwest Hydro, Inc. (MHI), which is incorporated under the laws of the State of Wisconsin. A license was issued for the project on June 23, 1994. The 480-kilowatt project is located on the Rock River, near the City of Beloit, in Rock County, Wisconsin.

WPL and its subsidiary, South Beloit Water, Gas & Electric Company, have also applied for Commission approval to transfer the licenses for the Janesville Central Project, FERC No. 2347 2/ and the Rockton Project, FERC No. 2373, 3/ respectively, to MHI. The transfer applications for those projects will be addressed in separate orders.

WPL reports that the purpose of the transfer is to facilitate industry adaptation to changes in the marketplace and to ensure the continued operation and maintenance of the project in accordance with the terms of the license. WPL has fully complied with the terms of the license and agrees to pay annual charges that have accrued to the date of the transfer. A review of our records indicates that WPL has no outstanding compliance matters.

Public notice of the transfer application was issued on December 10, 1997. No comments, protests, or motions to intervene were filed in response to the public notice of the transfer application.

We have reviewed the terms and conditions of the license to be transferred and have determined that there are no significant expenditures anticipated under the license.

MHI has hydropower experience through the ownership and operation of three non-jurisdictional hydropower projects. MHI

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- 1/ 67 FERC ¶ 62,272 (1994). The expiration date for the license is May 31, 2024.
 - 2/ 68 FERC ¶ 62,280 (1994).
 - 3/ 64 FERC ¶ 62,229 (1993).

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will also contract with North American Hydro, Inc. (NAH) for operation and maintenance of the project. NAH currently operates and maintains several jurisdictional hydropower projects. In addition, MHI has a power sales contract with WPL for five years and an agreement to negotiate an additional five-year period.

We anticipate that MHI will comply with the terms and conditions of the license in the same manner as WPL. Further, MHI is qualified to hold the license and to operate the properties under the license, and will be required to accept all of the terms and conditions of the license and to be bound by the license as if it were the original licensee.

Transfer of the license for this project is consistent with the Commission's regulations and is in the public interest.


The Director orders:

(A) The transfer of the license for the Beloit Blackhawk Project is approved.

(B) WPL shall pay all annual charges that accrue up to the effective date of the transfer.

(C) Approval of the transfer is contingent upon:
(1) transfer of title of the properties under license and delivery of all license instruments to Midwest Hydro, Inc. which shall be subject to the terms and conditions of the license as though it were the original licensee; and (2) Midwest Hydro, Inc. acknowledging acceptance of this order and its terms and conditions by signing and returning the attached acceptance sheet. Within 60 days from the date of this order, the transferee shall submit certified copies of all instruments of conveyance and the signed acceptance sheet.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


Carol L. Sampson
Director
Office of Hydropower Licensing

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IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, _____ this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its President, and its corporate seal to be affixed hereto and attested by _____ its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the _____ day of _____, 19____, a certified copy of the record of which is attached hereto.

By _____

Attest:

Secretary
(Executed in quadruplicate)