

173 FERC ¶ 61,212  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Boyce Hydro Power, LLC

Project Nos. 2785-101  
10809-050  
10810-056

NOTICE REJECTING REQUEST FOR REHEARING

(December 7, 2020)

On October 15, 2020, the Commission denied Boyce Hydro Power, LLC's (Boyce Hydro) September 21, 2020 motion for stay, and in the alternative request for an extension of time, with respect to a series of orders issued by the Commission's Division of Dam Safety and Inspections and Division of Hydropower Administration and Compliance.<sup>1</sup> On November 17, 2020, Boyce Hydro filed a timely request for rehearing of the October 2020 Order.

Section 313(a) of the Federal Power Act (FPA) requires an aggrieved party to set forth specifically the ground or grounds upon which its rehearing request is based.<sup>2</sup> Rule 713(c)(1) of the Commission's regulations require the party to "state concisely the alleged error in the final decision or final order."<sup>3</sup> Additionally, Rule 713(c)(2) of the Commission's regulations requires a petitioner seeking rehearing to include in its pleading a "Statement of Issues," which must reference representative Commission and court precedent on which the participant is relying.<sup>4</sup> Boyce Hydro's rehearing request does not allege any error with respect to October 2020 Order, and does not include the required statement of issues. Accordingly, the November 17, 2020 rehearing request is rejected.

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<sup>1</sup> *Boyce Hydro Power, LLC*, 173 FERC ¶ 61,071 (2020) (October 2020 Order). The letter orders required Boyce Hydro to comply with dam safety directives and develop and perform mussel surveys under the Endangered Species Act at its Secord, Smallwood, and Sanford Hydroelectric Projects. *Id.* PP 1, 4-11.

<sup>2</sup> 16 U.S.C. § 825l(a).

<sup>3</sup> 18 C.F.R. § 385.713(c)(1) (2020).

<sup>4</sup> *Id.* § 385.713(c)(2).

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This notice constitutes final agency action. Requests for rehearing of this rejection must be filed within 30 days of the date of issuance of this notice, pursuant to section 313(a) of the FPA and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2020).

Kimberly D. Bose,  
Secretary.

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