

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
888 First Street, NE
Washington, DC 20426
(202) 502-6314 Office – (202) 219-2731 Facsimile

August 11, 2020

In reply refer to: P-2785
P-10809
P-10810

Via Electronic Mail

Mr. Lee Mueller
Boyce Hydro Power, LLC
10120 W Flamingo Rd Ste 4 #192
Las Vegas, NV 89147
lwmueller@boycehydrollc.com

Subject: Forensic Investigation Status

Dear Mr. Mueller:

You did not respond to FERC's July 8, 2020 Order requiring Boyce to file with the Commission documentation by July 13, 2020 that it has fully executed contracts with the Forensic Team, as required by the Commission's May 20, 2020 Order. Due to your lack of progress and the urgent need for this work to begin, FERC has contracted with five of the approved team members in order to start the Forensic Investigation. The scope of the Forensic Investigation remains as described in the Commission's May 20 and July 8 Orders, including investigating the cause of the failure of Edenville. As the dam owner you are fully responsible for the safety of your facilities. This will include ensuring full cooperation with the Forensic Team during their investigation. The investigation remains independent from all external parties, including FERC, Michigan EGLE, and Boyce Hydro. FERC is only contracting with the team members and will not be directing or influencing their work.

Your failure to respond to the July 8, 2020 Order by July 13, 2020 and to begin the Forensic Investigation in a timely manner constitutes non-compliance, and this matter is therefore being referred to FERC's Office of Enforcement.

Section 31 of the Federal Power Act affirms the Commission's authority to monitor

and investigate compliance and based on the Commission's findings, assess civil penalties for violations of licenses, exemptions, and preliminary permits issued under Part I of the Act. Section 31 authorizes the Commission to assess civil penalties exceeding \$20,000 per day, per violation, for failure to comply with the terms and conditions of a license.¹ Failure to comply may lead to an order to cease generation, a civil penalty proceeding, or license revocation.

Sincerely,

David E. Capka, P.E.
Director
Division of Dam Safety and Inspections

cc:
Mario Fusco Jr., MS, P.E., Supervisor
Hydrologic Studies & Dam Safety Unit
Water Resources Division
Box 30458
Lansing, MI
48909-7958

¹ See Civil Monetary Penalty Inflation Adjustment, 18 C.F.R. § 385.1602(b) (2019).

Document Content(s)

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