

# BOYCE HYDRO POWER LLC

A W.D. Boyce Trusts Legacy Enterprise

Lee W. Mueller, Member Manager  
6000 S. M-30 (PO Box 15)  
Edenville, MI 48620

Tel: (989) 689-3161 Fax: (989) 689-3155

23 July, 2020

Ms. Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**RE: Sanford (P-2785), Secord (P-10809) and Smallwood (P-10810)  
Boyce Hydro Power, LLC's Response to Unauthorized "Reconstruction Cost  
Estimate" filing made by Four Lakes Task Force on July 20, 2020**

Secretary Bose:

On Monday, July 20, 2020, the Four Lakes Task Force (FLTF) filed a Project Safety Compliance Report on the FERC e-Library called a "Reconstruction Cost Estimate<sup>1</sup>," purporting to be on behalf of Boyce Hydro Power, LLC as the Lead Applicant for Projects P-2785 (Sanford), P-10809 (Secord), P-10810 (Smallwood), and a Preliminary Permit application for Edenville (P-14999). This report was commissioned by FLTF, without any involvement or consultation with Boyce Hydro Power, LLC (BHP) (the licensee). While it would be appropriate for a prospective licensee (in the case of Edenville) to submit such a report for that project, it is highly inappropriate to represent that FLTF's opinion of what might be done at the three FERC-licensed projects is coming from the Licensee, ***which it is not***. This letter is a notification to FERC that that FLTF is not the "Agent" for Boyce Hydro Power, LLC, and any filings made by them under these auspices should be rejected or submitted privately to BHP for verification prior to posting.

Boyce Hydro Power, LLC intends to address FERC's comments and requirements contained in its recent letters in response to the engineering reports submitted by BHP for the Secord and Smallwood projects in order to restore those two projects to operation as quickly as possible. The inference from the FLTF "Reconstruction Cost Estimates" is that these two dams and related structures require extensive rebuilding in order to be operated safely. Boyce strenuously disagrees with this approach and will vigorously refute the report if necessary.

We view FLTF's filing of this document as a tortious interference by FLTF to undermine the Licensee's relationship with the regulator and to impair BHP's business. This is a blatant attempt on the part of FLTF to devalue these two Projects in order to justify taking them in condemnation for no consideration. As such they are placing FERC squarely in the middle of this dispute.

Boyce respectfully requests that FERC remove this imposter filing from the e-Library altogether. It is not the Licensee's filing for the three licensed projects. If FLTF wishes to post a document on the e-Library for the pending Preliminary Permit Application (P-14999) for Edenville, they are of course free to do so, under their own business name.

Very truly yours,



Lee W. Mueller, Member Manager  
Boyce Hydro Power, LLC

<sup>1</sup> Accession number 20200720-5025