

148 FERC ¶ 61,220
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PPL Montana, LLC
NorthWestern Corporation

Project No. 5-095

NOTICE DISMISSING REQUEST FOR REHEARING

(September 19, 2014)

On July 24, 2014, Commission staff approved the transfer of the license for the Kerr Hydroelectric Project No. 5, located on the Flathead River and Flathead Creek in Flathead Lake County, Montana, from PPL Montana, LLC, to NorthWestern Corporation.¹ On August 22, 2014, Montana Senator Verdell Jackson filed a timely request for rehearing of Commission staff's July 24 Order.²

On July 17, 1985, the Commission issued a new license for the Kerr Project to The Montana Power Company (PPL Montana's predecessor) and the Consolidated Salish and Kootenai Tribes of the Flathead Nation (the Tribes) as co-licensees.³ The license incorporated the terms of a settlement under which Montana Power would hold and operate the project for the first 30 years of the licensee term, after which time the project could be conveyed to the Tribes upon satisfaction of several conditions.⁴ The conveyance to the tribes would not require any action by the Commission. The period to seek rehearing of the license, including the conveyance, expired on August 16, 1985.

Section 313(a) of the Federal Power Act (FPA) provides that a request for rehearing may be filed only by a party "aggrieved by an order issued by the Commission."⁵ To be aggrieved, a party must establish a concrete injury arising from the Commission's underlying action. Because Senator Jackson's rehearing request raises

¹ *PPL Montana, LLC*, 148 FERC ¶ 62,072 (July 24 Order).

² Senator Jackson is a party to the proceeding.

³ *The Montana Power Co.*, 32 FERC ¶ 61,070.

⁴ *Id.* at ordering para. (C)(1).

⁵ 16 U.S.C. § 825l(a) (2012).

issues germane to the final 1985 license order, rather than to July 24 order,⁶ he fails to identify how he is aggrieved by the latter order, and his request for rehearing is dismissed.

This notice constitutes final agency action. Requests for rehearing by the Commission 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, 16 U.S.C. 825l (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2013).

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁶ Senator Jackson's arguments largely relate to the conveyance of the license to the Tribes and possible consequences thereof. This future conveyance is self-executing; it is not affected by the July 24 Order. Senator Jackson's other assertions about pending federal litigation, water rights disputes, and state commission review of NorthWestern's purchase of Kerr Dam are not relevant to the July 24 Order.

Document Content(s)

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