

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Liberty University, Inc.**

)

**Project No. 14425-000**

**MOTION TO INTERVENE AND COMMENTS OF  
THE CITY OF LYNCHBURG, VIRGINIA**

Pursuant to Rules 212 and 214(a)(3) of the Federal Energy Regulatory Commission's ("FERC" or "Commission") Rules of Practice and Procedure., 18 C.F.R. §§ 385.212 and 385.214(a)(3), the City of Lynchburg, Virginia ("City of Lynchburg" or "Lynchburg"), by and through counsel, hereby moves to intervene and submits the following comments in response to Liberty University, Inc.'s June 15, 2012 filing of its Preliminary Permit Application with the Commission for the Scott's Mill Hydropower Project ("Project"). Liberty University, Inc.'s Preliminary Permit Application for the Project in the above-captioned proceeding was docketed by the Commission as Hydroelectric Project No. 14425.

**I. COMMUNICATIONS**

All correspondence, communications, pleadings, and other papers in relation to this proceeding should be addressed to the following individuals:

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The City of Lynchburg requests that the individuals identified above be placed on the Commission's official service list in this proceeding.

## **II. BACKGROUND**

On June 15, 2012, Liberty University, Inc. filed an application, pursuant to section 4(f) of the Federal Power Act ("FPA"), proposing to study the feasibility of the Project, to be located on the James River in Lynchburg, Virginia, and impoundment in the counties of Amherst and Bedford, Virginia. According to Liberty University, Inc.'s application, the proposed project would consist of (1) existing dam and reservoir facilities, (2) a new powerhouse containing 4 generating units with a total installed capacity of 4.8 MW; (3) a new approximately 500-foot-long underground transmission feed, likely to be at 2,400 volts, and (4) possible additional appurtenant facilities. The estimated annual generation output is 10,500 MW (See Application at 8-9). The Liberty University, Inc. application follows other filings and iterations of a hydropower project at this location, *i.e.*, Project Nos. 13302-000 and 13387-000, in which the City of Lynchburg also intervened.

## **III. INTEREST OF THE CITY OF LYNCHBURG AND MOTION TO INTERVENE**

The City of Lynchburg, Virginia is an independent political subdivision of the Commonwealth of Virginia established by charter in 1786. The Lynchburg city government is located in City Hall, 900 Church Street, Lynchburg, VA 24504.

The Project for which Liberty University, Inc. has filed a Preliminary Permit Application with the Commission is located on the Scott's Mill Dam in Lynchburg, and will impact or potentially impact the section of the James River and Kanawha Canal that runs through Lynchburg as well as Lynchburg's wastewater treatment plant downstream of the Scott's Mill Dam, as well as having potential general impacts on the City of Lynchburg and its river front. Moreover, the proposed project will impact or potentially impact recreational, historical, cultural and other resources in the City of Lynchburg as well as Lynchburg's water rights and water supply. There could also be specific impacts to Lynchburg's water intake and wastewater treatment plant permits. Lynchburg is identified in the Preliminary Permit Application (at pp. 3, 5, 8) as the city where the project is located.

Accordingly, the City of Lynchburg has a direct and substantial interest in the issues and outcome in this proceeding. Because no other party can adequately represent the City of Lynchburg's interests in this proceeding, Lynchburg asserts its timely intervention is in the public interest and should be granted.

#### **IV. COMMENTS**

At this point in time, the City of Lynchburg has substantial concerns about any hydropower project located on or in the area of the Scott's Mill Dam in Lynchburg and emphasizes its significant interests at stake. As noted above, the dam site impacts the James River and historic Kanawha Canal areas in the City of Lynchburg, and Lynchburg operates its wastewater treatment plant downstream of the Scott's Mill Dam site. Most importantly, a hydropower project at the Scott's Mill site has the potential for direct impacts to water rights and water supply for the Lynchburg area. There are also the potential impacts to certain recreational, historical, cultural and other resources in Lynchburg and surrounding areas to be considered.



## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding. Dated at Richmond, Virginia this 16<sup>th</sup> day of August, 2012.

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