

Brookfield

Renewable

September 7, 2021

VIA ELECTRONIC FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20246

**Re: Topsham Hydro Partners Limited Partnership
Pejepscot Hydroelectric Project, FERC Project No. 4784-106
Notice of Stay of Trial-Type Hearing Process**

Dear Secretary Bose,

On July 19, 2021, Topsham Hydro Partners Limited Partnership (“Topsham Hydro”), Licensee of the Pejepscot Hydroelectric Project No. 4784 (“Project”), submitted to the U.S. Department of the Interior (“Interior”) and to the National Marine Fisheries Service (“NMFS”) a Request for Trial-Type Hearing on Disputed Issues of Material Fact pertaining to the preliminary Section 18 fishway prescriptions filed by Interior and NMFS with the Federal Energy Regulatory Commission (“Commission”) on June 17, 2021.

The purpose of this letter is to notify the Commission that Topsham Hydro has entered into an agreement with Interior and an agreement with NMFS to stay the trial-type hearing process for 120 days effective September 7, 2021. Each of the agreements is attached for the Commission’s information. If you have any questions regarding this filing or require additional information, please contact me by phone at (207) 755-5613 or by email at Luke.Anderson@BrookfieldRenewable.com.

Respectfully submitted,



Luke T. Anderson
Manager, Licensing
Brookfield Renewable

Enclosures

AGREEMENT TO STAY HEARING PROCESS

WHEREAS, on June 17, 2021, the U.S. Fish and Wildlife Service, a Bureau within the U.S. Department of the Interior (“Department”) issued “Comments, Recommendations, Prescriptions,” including a Preliminary Prescription for Fishways Pursuant to Section 18 of the Federal Power Act, for the Pejepscot Hydroelectric Project (FERC P-4784), and;

WHEREAS, on July 19, 2021, Topsham Hydro Partners Limited Partnership (“Topsham Hydro”) filed a Request for Trial-Type Hearing and Alternative Fishway Prescription, pursuant to the Federal Power Act and the Department’s implementing regulations at 43 C.F.R. Part 45, and;

WHEREAS, on August 9, 2021, the Maine Department of Marine Resources intervened in the proceeding on Topsham Hydro’s request for trial-type hearing (“Proceeding”), and;


WHEREAS, the regulations governing the Proceeding, at 43 C.F.R. §45.24 provide that the hearing requester and the Department may, by agreement, stay the hearing process for a period not to exceed 120 days to allow for settlement discussions prior to referral to the Administrative Law Judge, and;

WHEREAS the Department and Topsham Hydro are in agreement to take time to hold settlement discussions;

NOW THEREFORE the undersigned parties agree to stay the hearing process for 120 days effective September 7, 2021, to allow for settlement discussions to take place. The stay will end on January 5, 2022.

For the Department:

**SUSAN
BOSSIE**

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SUSAN BOSSIE
Date: 2021.09.02
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Date: September 2, 2021

S. Amanda Bossie
Office of the Solicitor, U.S. Department of the Interior
Counsel for U.S. Fish and Wildlife Service

For Topsham Hydro Partners Limited Partnership:


Julia Wood (Sep 2, 2021 17:27 EDT)

Date: September 2, 2021

Julia Wood
Counsel for Topsham Hydro Partners Limited Partners

BEFORE THE U.S DEPARTMENT OF COMMERCE

Topsham Hydro Partners Limited)
Partnership)
)
Pejepscot Hydroelectric Project,)
FERC Project No. 4784-106)

AGREEMENT TO STAY

Pursuant to 16 U.S.C. § 811, the National Marine Fisheries Service (NMFS) submitted a preliminary fishway prescription to the Federal Energy Regulatory Commission on June 17, 2021, regarding the above captioned project. As provided for in 50 C.F.R. Part 221, Topsham Hydro Partners Limited Partnership submitted a request for a trial-type hearing regarding the NMFS preliminary fishway prescriptions on July 19, 2021. NMFS also received an intervention notice from the Maine Department of Marine Resources on August 9, 2021.

Pursuant to the provisions of 50 C.F.R. § 221.24, NMFS and Topsham Hydro Partners Limited Partnership agree to a stay of the proceedings. NMFS and Topsham Hydro Partners Limited Partnership agree to a stay of up to 120 days to allow for settlement discussions on the matters raised in the request for a trial-type hearing.


NMFS and Topsham Hydro Partners Limited Partnership intend the stay to take effect, as of September 7, 2021, and remain in effect for 120 days (if necessary), until January 5, 2022.

For the National Marine Fisheries Service:

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Date: 2021.09.02 16:40:53 -04'00'

Mark Capone
Attorney, NOAA Office of General Counsel
Date: September 2, 2021

For Topsham Hydro Partners Limited Partnership:


Julia Wood (Sep 3, 2021 09:27 EDT)

Julia Wood
Counsel for Topsham Hydro Partners Limited Partners
Date: September 3, 2021

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in Docket No. P-4784.

Dated at Washington, DC, this 7th day of September 2021.

/s/ Stephanie Jones
Stephanie Jones
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