

APPENDIX 3.4.1-1 Order Issuing License

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Calaveras County Water District
Northern California Power Agency

Project No. ~~2409-041~~
Project No. 11197-000
California

ORDER APPROVING PARTIAL TRANSFER OF LICENSE, AMENDING
LICENSE, AND ISSUING LICENSE (TRANSMISSION LINE)

FEB 12 1992

On September 30, 1991, Calaveras County Water District (CCWD) and the Northern California Power Agency (NCPA) filed a joint application for transfer of the transmission lines for the North Fork Stanislaus River Project No. 2409.¹/ CCWD proposes to transfer its interests and obligations under the license, with respect to the Collierville and Spicer Meadow transmission lines, to NCPA.

Simultaneously with the joint application, NCPA applied for a license for transmission line only, and CCWD applied to amend its license to delete the same transmission lines. The purpose of the proposed transfer is to effectuate the provisions of the power purchase contract entered into between CCWD and NCPA. NCPA is a joint powers agency established under the laws of the State of California and is a municipality pursuant to section 3(7) of the Federal Power Act (Act).

No change in present operation will result from this transfer, since the lines are fully operational and NCPA currently operates them under contract. An agreement accomplishing transfer of the transmission lines, subject to the Commission's approval, is contained in the application.

CCWD has fully complied with the terms of its license and agrees to pay annual charges that have accrued under the license, with respect to the transmission lines, to the effective date of the transfer. NCPA is qualified to hold a license and operate the transmission lines under license and agrees to accept all of the terms and conditions of a license for transmission line only.

NCPA requested that the termination date of the transmission line license be made coterminous with that of Project No. 2409. This requested term is reasonable, since it would allow for coordinating the conditions of any future licenses issued for the hydroelectric project and the transmission lines, whose operations are interdependent.

No protests or motions to intervene were filed in response to the public notice of the joint application. The Resources Agency of California stated that the State had reviewed the

¹/ See 18 FERC 61,124 and 55 FERC 62,339.

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notice, but had no comments. The partial transfer, amendment of license, and issuance of a transmission line license for the Collierville and Spicer Meadow transmission lines under a new project number are consistent with the Commission's regulations and are in the public interest.

In accordance with Commission practice for licensing transmission lines, which have no generating capacity, I am setting an annual fee of \$200.00 for reimbursing the United States for the costs of administering Part I of the Act.^{2/} Additionally, I am transferring the annual charge for the use of government lands by the transmission lines to the license for Project No. 11197.

This action does not authorize any construction. The license terms and conditions not expressly revised by this order, including the effective and termination dates, will remain the same. Consequently, issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) Transfer of the Collierville and Spicer Meadow transmission lines is approved, effective the first day of the month in which this order is issued. This transfer is subject to the provisions of section 9.3 of the Commission's regulations under the Federal Power Act and further conditions provided below.

(B) Approval of the transfer is contingent upon delivery by CCWD of all of its license instruments regarding the Collierville and Spicer Meadow transmission lines to NCPA, which shall be subject to all terms and conditions of the license, as they pertain to these facilities, as though it were the original licensee. NCPA shall submit certified copies of all instruments of conveyance within 60 days from the date of this order.

(C) The license for Project No. 2409 is hereby amended, effective the first day of the month in which this order is issued, as follows:

(1) All references to the Collierville and Spicer Meadow transmission lines are deleted.

(2) The description of the Collierville and Spicer Meadow transmission lines in Ordering Paragraph (D)(2), items (15) and (16) of the Order Amending License and Revising Annual Charges issued June 28, 1991, is deleted.

^{2/} See 4 FERC 61,321.

(3) Article 56, subparagraph (c) is deleted.

(D) Within 90 days from the date of issuance of this order, CCWD shall file for Commission approval revised Exhibit K drawings showing the changes to the project works and boundary of the license for Project No. 2409 as authorized by this order.

(E) The Collierville and Spicer Meadow transmission lines, which were previously project works of the license for Project No. 2409, are hereby re-designated as Project No. 11197, with Northern California Power Agency (NCPA) as the licensee. This order shall constitute the license for Project No. 11197, effective the first day of the month in which this order is issued and terminating on January 31, 2032.

(F) Project No. 11197 consists of:

(1) All lands, to the extent of the licensee's interests in those lands, occupied by the Collierville and Spicer Meadow transmission lines, shown generally in Exhibits K-4 and K-5, (FERC Nos. 2409-131 and 2409-132) and to be shown specifically in the Exhibit G required by Ordering Paragraph (G), below.

(2) Project works consisting of: (a) a 13-mile-long, buried 21-kilovolt (KV) transmission line extending from the Spicer Meadow Powerhouse to the PG&E Cabbage Patch switchyard; (b) a 40-mile-long, 230-KV single-circuit, three phase transmission line extending from the Collierville Power Plant to the PG&E Bellota switchyard; and (c) appurtenant facilities.

(G) Within 90 days from the date of issuance of this order, NCPA shall file for Commission approval Exhibit G drawings showing the project works and boundary of Project No. 11197 as authorized by this order.

(H) The license for Project No. 11197 shall be subject to the articles set forth in Form L-20 (October 1975), entitled "Terms and Conditions of License for Constructed Transmission Line Project", and the following additional article:

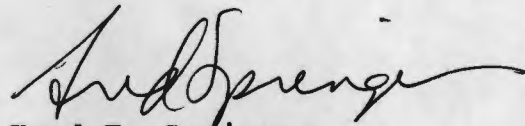
Article 201. The licensee shall pay the United States the following annual charges, effective the first day of the month in which this order is issued:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, an annual charge of \$200.00, or such amount as may be determined in accordance with the provisions of the Commission's regulations in effect from time to time.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of 34 acres of its lands for

transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time.

(I) This order is issued under authority delegated to the Director and constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR 385.713. CCWD and NCPA shall each acknowledge acceptance of this order and its terms and conditions by signing and returning its attached acceptance sheet within 60 days from the date of this order.

A handwritten signature in dark ink, appearing to read "Fred Springer", is written over the typed name.

Fred E. Springer
Director, Office of
Hydropower Licensing

Project No. 2409-041

IN TESTIMONY of its acknowledgement of acceptance of all of the terms and conditions of this order, Calaveras County Water District, this _____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its President, and its corporate seal to be affixed hereto and attested by _____, its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the _____ day of _____, 19____, a certified copy of the record of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

Project No. 11197-000

IN TESTIMONY of its acknowledgement of acceptance of all of the terms and conditions of this order, Northern California Power Agency, this _____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its President, and its corporate seal to be affixed hereto and attested by _____, its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the _____ day of _____, 19____, a certified copy of the record of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

(October, 1975)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED
TRANSMISSION LINE PROJECT

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands

of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Energy Regulatory Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights or occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 7. Timber on lands of the United State cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for, and the resulting slash and debris disposed of, in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber shall be at current stumpage rates, and payment for young growth timber below merchantable size shall be at current damage appraisal values. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the Licensee: Provided, That timber so sold or disposed of shall be cut and removed from the area prior to, or without undue interference with, clearing operations of the Licensee and in coordination with the Licensee's project construction schedules. Such sale or disposal to others shall not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 8. The Licensee shall do everything reasonably within its power, and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned, to prevent, to make advance preparations for suppression of, and to suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and shall pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the works appurtenant or accessory thereto under the license.

Article 9. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for

such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 10. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the license. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 11. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

Article 12. The Licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, and shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission lines; shall cut and remove all dead or leaning trees which might fall in contact with the transmission lines; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 13. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the

intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 14. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 15. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Project No.-2409-041
Calaveras County Water District
Northern California Power Agency

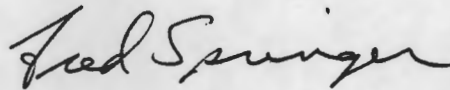
February 12, 1992

Steve Felte, General Manager
Calaveras County Water District
427 East Saint Charles Street
Post Office Box 846
San Abdreas, CA 95249

Gentlemen:

Enclosed are four copies of the order designated
Amendment No.16 Instrument No. 5 , in the above entitled matter.

Please execute the acknowledgement of acceptance attached to
the order and return three copies of the order, the acceptance
and resolution of your Board of Directors authorizing such
acceptance.



Fred E. Springer
Director, Office of
Hydropower Licensing

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Project No. -11197-000
Northern California Power Agency
Calaveras County Water District

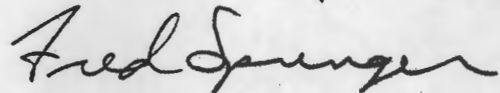
February 12, 1992

Hari Modi, Project Manager
Northern California Power Agency
180 Cirby Way
Roseville, CA 95678

Gentlemen:

Enclosed is the order issuing new license in the
above-entitled matter.

Please execute the acknowledgement of acceptance attached to
the order and return three copies of the order, the acceptance
and resolution of your Board of Directors authorizing such
acceptance.



Fred E. Springer
Director, Office of
Hydropower Licensing