

Legal Counsel to Great Companies

The Value of Hydropower in a Renewable Based Power System Legal and Regulatory Issues

National Hydropower Association 2010 Annual Conference

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Overview

- The Good, the Bad, the Eye of the Beholder
 - The Need
 - New Hydropower Generation
 - Existing Hydropower Generation
- You Decide



The Need

Hydropower generation Is Renewable Is Flexible & Complementary to Non-hydro Renewables Non-hydro Renewable Generating Capacity is Increasing



New Hydropower Generation – the Good

- ARRA Funding Need for New Pumped Storage
 - Significant increase in FERC pumped storage applications
 - Absorb excess generation or negative load
- FERC Small Hydropower Development Initiative (Docket No. AD09-9)
 - December 2, 2009 Technical Conference
 - April 15, 2010 Action Plan
- March 2010 MOU: Departments of Energy, Interior and Army
 - Feasibility analysis of pumped storage on federal sites
 - Certify hydropower projects for inclusion in RPS



New Hydropower Generation – the Bad

- Limits on Qualification as Renewable in Most State RPS
- Licensing/Permitting Can Be Difficult and Expensive

Transmission and Interconnection IssuesIntegration of Variable Resources Issues



Existing Hydropower Generation – the Good

- Likely Few Licensing or Transmission Issues
- \$30.6 Million ARRA Funding for Upgrades
 - 3 projects at greater than 50 MW
 - 4 projects at 50 MW or less
- \$531 Million CREBs Funding



Existing Hydropower Generation – the Bad

- Operating Flexibility is Not Unlimited
 - Fish and natural resources
 - Water levels
- Energy is Committed
- Regional Needs
- Integration of Variable Resources Issues



The Eye of the Beholder

Is this

The best of times for hydropower?
or
The worst of times?

You Decide



Questions?

Thank you.

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