

UNITED STATES OF AMERICA 118 FERC ¶ 62,001
FEDERAL ENERGY REGULATORY COMMISSION

Arizona Public Service Company

Project No. 2069-030

ORDER GRANTING EXTENSION OF TIME TO COMPLETE SITE
RESTORATION

(Issued January 03, 2007)

By letter filed April 13, 2006, Arizona Public Service Company (licensee) requested an extension of time of six months, or until June 30, 2010, to complete removal of project facilities, site restoration, and all related activities, pursuant to the Commission's October 8, 2004 *Order Approving Surrender of License and Removal of Project Works, and Dismissing Application for New License*¹ for the Childs Irving Project No. 2069. The licensee supplemented its April 13, 2006 filing on December 21, 2006, at the Commission's request.

The Childs Irving Project is located on Fossil Creek in Gila and Yavapai Counties, Arizona, on lands managed by the U.S. Forest Service.

Ordering paragraph (E) of the Commission's October 8, 2004 surrender order requires completion of removal of project facilities, site restoration, and all related activities no later than December 31, 2009. In addition, the terms of the settlement agreement filed with the Commission on September 15, 2000, state that the licensee commits to decommissioning the project no later than December 31, 2009.

The licensee has requested an additional six months to complete activities necessary for decommissioning the project. Several requirements in the surrender order included additional work such as the development of additional plans, consultation periods with the resource agencies, and submittals to the Commission for approval. Due to the process dictated by the surrender order, the licensee did not receive final authorization from the Commission for decommissioning activities until approximately six months from its original schedule.

By letter dated November 7, 2006, we requested the licensee provide comment on its request from the signatories to its settlement and the federal and

¹ 109 FERC ¶ 61,036 (2004)

state resource agencies that had been previously consulted in the decommissioning proceeding. In its December 21, 2006 supplement, the licensee provided its *Amendment 1 to the Childs Irving Hydroelectric Project Settlement Agreement*, which modifies the completion date in the settlement agreement to June 30, 2010. The amendment has been signed by all signatories to the 2000 settlement. Also attached to its December 21, 2006 filing are letters of concurrence and comments from the U.S. Fish and Wildlife Service, the U.S. Forest Service, the U.S. Bureau of Reclamation, the Arizona Game and Fish Department, and the Arizona Department of Environmental Quality.

After review of the licensee's request and supporting materials, we concur with the licensee that the requested extension of time is reasonable and should be granted.

The Director orders:

(A) The completion date for removal of project facilities, site restoration, and all related activities at the Childs Irving Project is extended to June 30, 2010.

(B) This order 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 C.F.R. § 385.713.

George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance