

Revised Communication and Information Protocol

Black Canyon Hydroelectric Project

FERC Project No. P-14110

November 2012

1 Introduction

1.1 Overview

Black Canyon Hydro, LLC is a subsidiary of the Tollhouse Energy Company, whose management staff has been involved in the licensing, construction, and operation of small hydroelectric projects in Washington, Alaska, and Montana for 25 years. Multiple projects in Alaska were built for isolated communities who had previously relied on diesel generators. Three projects were certified by the “Low Impact Hydropower Institute” (Black Bear Lake, Goat Lake, and Black Creek) while an additional project was Green-E Certified (Power Creek). The Black Canyon Hydroelectric Project would provide carbon-free, renewable energy to meet peak winter load in the northwest.

1.2 Process

The Applicant has selected FERC’s Integrated Licensing Process (“ILP”) and plans to file their Revised Study Plan no later than January 7, 2013. The ILP is a highly structured process established by FERC under CFR 18 Part 5, and it imposes strict schedules and deadlines for licensing activities. The process also requires consultation with relevant local, state and federal resource agencies, any Indian tribe that may be affected by the Project, and any member of the public known to have an interest in the Project environment or its operations.

1.3 Purpose

This Communication and Information Protocol proposes a framework for informal communications and information sharing among active participants in the licensing of the Project. The primary means of communication will be meetings, documents, e-mail, the Project web site, and telephone.

1.4 Informal

Formal process requirements of the ILP are a separate obligation of all participants from this Communication and Information Protocol. Importantly, FERC maintains the formal

record on the eLibrary at www.ferc.gov. This Communication and Information Protocol is merely intended to increase efficiency among active participants and is in no way an attempt to replace the formal process and communication schedules required by the ILP.

2 Participation in the ILP

2.1 Public Participation Opportunities

Public participation in the ILP is encouraged. There are a number of public meetings and comment opportunities included within the ILP. See below for an anticipated project schedule that was published by FERC staff in “Scoping Document 1.” Additionally, the public may “eSubscribe” to the Project docket and receive notification e-mails when a filing is made. To register online and receive notification via e-mail of new filings and issuances related to this project, register online at <http://www.ferc.gov/esubscription.asp>

PROCESS PLAN AND SCHEDULE

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day.

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Black Canyon	Issue Public Notice for NOI/PAD	3/27/12	5.3(d)(2)
Black Canyon	File NOI/PAD with FERC	3/27/12	5.5, 5.6
FERC	Initiate Tribal Consultation	3/30/12	5.7
FERC	Issue Notice of Commencement of Proceeding; Scoping Document 1 (SD1)	5/25/12	5.8
FERC	Project Virtual Site Review and Scoping Meetings	6/19/12	5.8(b)(viii)
All stakeholders	PAD/SD1 Comments and Study Requests Due	7/24/12	5.9
FERC	Issue Scoping Document 2 (if needed)	9/7/12	5.1
Black Canyon	File Proposed Study Plan (PSP)	9/7/12	5.11(a)
All stakeholders	Proposed Study Plan Meeting	10/8/12	5.11(e)
All stakeholders	Proposed Study Plan Comments Due	12/6/12	5.12
Black Canyon	File Revised Study Plan	1/7/13	5.13(a)
All stakeholders	Revised Study Plan Comments Due	1/22/13	5.13(b)

FERC	Director's Study Plan Determination	2/6/13	5.13(c)
Mandatory Conditioning Agencies	Any Study Disputes Due	2/26/13	5.14(a)
Dispute Panel	Third Dispute Panel Member Selected	3/13/13	5.14(d)(3)
Dispute Panel	Dispute Resolution Panel Convenes	3/18/13	5.14(d)
Black Canyon	Applicant Comments on Study Disputes Due	3/25/13	5.14(j)
Dispute Panel	Dispute Resolution Panel Technical Conference	3/28/13	5.14(j)
Dispute Panel	Dispute Resolution Panel Findings Issued	4/17/13	5.14(k)
FERC	Director's Study Dispute Determination	5/7/13	5.14(l)
Black Canyon	First Study Season	2013	5.15(a)
Black Canyon	Initial Study Report	2/6/14	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	2/21/14	5.15(c)(2)
Black Canyon	Initial Study Report Meeting Summary	3/10/14	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	4/9/14	5.15(c)(4)
All stakeholders	Responses to Disputes/Amendment Requests Due	5/9/14	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	6/9/14	5.15(c)(6)
<i>Second study season if necessary. Schedule would be adjusted accordingly.</i>			
Black Canyon	File Preliminary Licensing Proposal (PLP)	9/1/14 ¹	5.16(a)
All stakeholders	PLP Comments Due	12/1/14	5.16(e)

¹ Date for filing of the PLP is a staff estimate.

2.2 Government and Non-Government Participants

There are a number of public meetings and comment opportunities included within the ILP. See Section 2.1 above for an anticipated project schedule that was published by FERC staff in “Scoping Document 1.” Additionally, the Applicant recommends that participants request through the FERC web site that FERC add their name and address to the formal mailings list for the Project (FERC No. P-14110) as well as register online at <http://www.ferc.gov/esubscription.asp> to be notified via email of new filings and issuances related to this project. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Additionally, representatives of state and federal agencies, local governments, local property owners, and NGOs which have been identified thus far in the process as active participants have been added to a separate mailing list by the Applicant. This mailing list is intended only to supplement, not replace the formal FERC mailing list, and will be used by the Applicant on occasion to update participants when important new documents have been made available on the Licensing Web Site (see Section 3). As discussed above, “eSubscribing” via the FERC web site remains the primary means of being notified of formal filings on the Project docket.

The following list identifies participants who have been added to the informal mailing list:

Pat Anderson, Brock Applegate, Matthew Baerwalde, Rich Bowers, Daryl Williams, Elizabeth Ellis, Julie Stangell, Janne Kaje, Monika Kannadaguli, Marjorie Kinch, Chris Maynard, Kate Miller, Thomas O’Keefe, Pamela Krueger, Randy Sandin, Robert Garrow, Susan Rosebrough, Rebecca Wolfe, David Zarett, and Tim Romanski.

Any person desiring notification when important new documents have been made available on the Licensing Web Site should request to be added to the mailing list by providing the necessary contact information (name, e-mail, address, phone) to Alex Grant, Licensing Coordinator, by phone at (360) 738-9999 or by e-mail at alexgrant@tollhouseenergy.com. Similarly, any person who would like to be removed from the informal mailing list should contact Alex Grant.

3 Licensing Web Site

3.1 Web Site Location

The Applicant has established a web site for the publication and communication of information regarding the Project. It can be found at:

<http://www.blackcanyonhydro.com/>

3.2 Web Site Contents

The Project web site will be maintained by the Applicant to keep the public informed about the licensing process. Information posted on the web site will include selected

licensing documents, reports, reference documents, and any meeting agendas and summaries produced. These items can be found on the above web site, under the “Resources” and “Documents” tabs. This web site is not intended to act as a formal record for the proceeding and should not be relied upon by participants. FERC maintains the formal record on the eLibrary at www.ferc.gov.

4 Documents

Copies of filings and issuances are available for review at the FERC in the Public Reference Room or may be viewed on the Commission’s web site (www.ferc.gov), using the “eLibrary” link. Enter the docket number, P-14110, to access the documents. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. While most public documents issued by and filed with the FERC are available on the FERC’s web site, there are limited exceptions:

a. Critical Energy Infrastructure Information (CEII). CEII is information about proposed or existing critical infrastructure that:(i) relates to the production, generation, transportation, transmission or distribution of energy that is protected under 18 CFR 388.113; (ii) could be useful to a person planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the federal Freedom of Information Act (FOIA) and; (iv) does not simply provide the location of the critical infrastructure. Such information may be provided by the co-licensees to active Participants as appropriate and subject to reasonable conditions for protection. Participants and others may also file a “CEII Request” with FERC to receive such information. Instructions for filing such a request are on the FERC web site at www.ferc.gov/help/how-to/file-ceii/ceii.asp.

b. Sensitive cultural resources site information, the release of which could endanger a sensitive cultural resources site, is protected from mandatory disclosure under 18 CFR 388.112 or RCW 42.17.310(1)(k). Such information may be provided by the co-licensees to active Participants subject to reasonable conditions for protection. Participants and others may also file a FOIA request; instructions for obtaining this information are on FERC’s web site at www.ferc.gov/legal/ceii-foia/foia.asp.

c. Non-Internet Public Information (NIP). NIP is information, typically maps and drawings, that does not rise to the level of CEII. FERC instructions for obtaining NIP are located on the FERC web site at www.ferc.gov/legal/ceii/foia/ceii/nip.asp.

5 Filing or Commenting on the Formal FERC Record

All filings must clearly identify the following on the first page: **Black Canyon Hydroelectric Project (P-14110-001)**. Comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission’s web site <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

6 Meetings and Communications

6.1 Public Information Meetings.

Applicable FERC regulations (CFR 18 Part 5) identify specific meetings and schedules applicable to the ILP. A “Process Plan and Schedule” was issued by FERC staff in “Scoping Document 1” and has been reproduced above in Section 2.1. As noted above, the Applicant plans to file their Revised Study Plan no later than January 7, 2013. Thereafter, “Public Information Meetings” for the Black Canyon Hydroelectric Project ILP may be held periodically, in accordance with the “Process Plan and Schedule” (as it may be amended), specifically for the purpose of providing information to and obtaining information from the general public, government agencies and NGOs. Notices of “Public Information Meetings” will be provided by the FERC or Applicant as required by applicable regulations. FERC representatives may attend and participate in all scheduled “Public Information Meetings.”

Documentation of all “Public Information Meetings” conducted by the Applicant will be provided by means of an electronic recording. A copy of the recording will be made available to participants upon request.

6.2 Work Group Meetings

“Work Group Meetings” will be scheduled and coordinated by the Applicant with the assistance of other work group participants as necessary throughout the process. The Applicant will provide all available e-mail and phone contacts for work group members among the work group members. Generally, e-mails or phone calls will be made to work group members to collectively pick a time and date for either a meeting or a conference call. A final notice of the work group meeting’s time, date, location, and topic will occur at least five business days before the meeting by e-mail to the work group members identified in the “Updated Resource Work Group Protocol,” which was distributed along with this document. These meetings will be resource or issue-specific and work group participants have been identified during consultations, interagency meetings, and by contacting the Applicant.

Documentation of “Work Group Meetings” will be provided by means of a brief “Meeting Summary” which will be posted on the licensing web site. A “Meeting Summary” will include the following as appropriate: the purpose of the meeting, location, time, attendees, decisions, agreements and follow-up actions. If an individual work group decides that documentation in the form of such a “Meeting Summary” is insufficient, an electronic recording will be made and an audio file will be made available upon request.

7 Duration and Revision

This Communication and Information Protocol will remain in effect until the Applicant files its Preliminary Licensing Proposal with FERC. This document may be revised on occasion in consultation with participants active in the licensing process.