

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeen G. Kelly.

North Hartland, LLC

Project Nos. 2816-031 and -032

ORDER LIFTING STAY AND RESCINDING PRIOR ORDER

(Issued May 9, 2005)

1. On November 22, 2004, the Commission denied a request by North Hartland, LLC for a tenth extension of time to comply with the conditions applicable to the transfer to it of the license for the 4.0-megawatt North Hartland Hydroelectric Project No. 2816, located on the Ottauquechee River, in Windsor County, Vermont.<sup>1</sup> Based on our determination that there were significant, possibly insurmountable, disagreements among the parties to the sale, and between North Hartland and the Vermont regulators, such that there appeared to be no reasonable prospect that the sales transaction would ever be completed, we concluded that it was not in the public interest to allow the proceeding to go on indefinitely. We therefore rescinded a prior Commission staff order approving transfer of the license,<sup>2</sup> and dismissed the underlying transfer application.
2. On January 19, 2005, Concord Hydro Associates, LLC, filed a motion for reconsideration and to reopen the record or, in the alternative, motion to lodge. Concord stated that it is a reputable owner and operator of eight hydroelectric projects, and that it had purchased North Hartland. In consequence, Concord asserted that there were no longer impediments to the completion of the asset sale and license transfer.
3. On February 11, 2005, in response to Concord's pleading, we issued a stay of the November 22, 2004 Order in order to allow Concord to take whatever steps were necessary to complete the transfer, and to allow our staff to obtain from Concord additional information about the matter.

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<sup>1</sup> 109 FERC ¶ 61,194 (2004).

<sup>2</sup> 91 FERC ¶ 62,227 (2000).

4. On April 1, 2005, and April 12, 2005, Concord submitted information showing that it had acquired the North Hartland Project.

5. We are pleased that the transfer of the project has finally taken place, and that customers may in the future obtain the benefits of project power. The rehabilitation and return to service of the North Hartland Project are in the public interest. We therefore will rescind the November 22, 2004 Order to the extent that it rescinded our prior order approving transfer of the license and dismissed the underlying transfer application. We also lift the February 11, 2005 Stay as no longer necessary.<sup>3</sup>

The Commission orders:

(A) The Commission's order of November 22, 2004, in these proceedings is rescinded to the extent that it rescinded the June 27, 2000 Order approving transfer of the license and dismissed the underlying transfer application.

(B) The stay issued in these proceedings on February 11, 2005, is lifted.

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.

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<sup>3</sup> On July 23, 2003, at the licensee's request, the Commission amended the project license by adding a 7-mile primary transmission line currently owned by Central Vermont Public Service Corporation. 104 FERC ¶ 61,151 (2003). The order provided that the amendment would become effective on the effective date of the transfer, and that it would then be up to the transferee to obtain the requisite rights to the line. In its April 12, 2005, filing, Concord states that it has begun negotiating with Central Vermont to lease or acquire the line. Once those negotiations are complete, the licensee must file with the Commission evidence that it has acquired the necessary rights.