

BOYCE HYDRO POWER LLC

A W.D. Boyce Trusts Legacy Enterprise

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23 August, 2013

Secretary Bose
Federal Energy Regulatory Commission
888 First Street, N.E., Routing Code: PJ-13
Washington, D.C. 20426

Re: Sanford Dam Upgrade Application
Project: 2785

Secretary Bose: I am writing to inquire regarding the status of the pending application for a non-capacity license amendment, which was filed by Boyce Hydro Power, LLC (Boyce) over eleven months ago, on September 11, 2012. The application seeks approval to replace an existing turbine with a new, more efficient turbine that will enable Boyce to meet the minimum flow requirements of the license with the same hydraulic throughput, but generate more electricity for sale.

The efficiency upgrade will only be feasible if Boyce can take advantage of the investment tax credit provisions of the American Reconstruction and Recovery Act. To do so, construction on the turbine must begin no later than December 31, 2013. In order for Boyce to meet the deadline for physical construction, the turbine must be ordered from the manufacturer no later than early October, and Boyce cannot execute the purchase agreement unless the Commission's order approving the amendment application has been issued and Boyce has had an opportunity to assess its requirements.

Boyce is at a loss to understand why the Commission has not yet acted on the application. Boyce is not proposing to change the existing hydraulic throughput or take any other action in connection with the amendment that would change project operations. Approval should therefore have no effect on aquatic resources. Comparable applications cited in that letter required an average of only five months to process. The Michigan Department of Natural Resources filed comments stating that the Commission should reopen the license's minimum flow requirements but, as Boyce demonstrated in a January 14, 2013, letter to the Commission, this request has no support in the license and is completely at odds with long-standing Commission policy.

Boyce therefore renews its request for expedited approval of the referenced application.

Sincerely,



Lee W. Mueller, Architect

Co-Member Manager

Boyce Hydro Power, LLC

LWM/wp

Cc: Frank O. Christie, P.E.
Stephen B. Hultberg