

162 FERC ¶ 61,130  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Boyce Hydro Power, LLC

Project No. 10808-059

NOTICE DISMISSING REQUEST FOR REHEARING AS MOOT

(February 15, 2018)

On December 1, 2017 (as supplemented on December 28, 2017), Boyce Hydro Power, LLC (Boyce Hydro or licensee) filed an emergency motion for stay of a November 20, 2017 order requiring Boyce Hydro to cease generating at the Edenville Hydroelectric Project No. 10808 (Edenville Project).<sup>1</sup> Boyce Hydro also filed, with the U.S. Court of Appeals for the D.C. Circuit, an emergency motion to stay the Cease Generation Order. On January 5, 2018, the Commission issued an order denying a permanent stay of the Cease Generation Order,<sup>2</sup> and on February 2, 2018, Boyce Hydro filed a request for rehearing of the Stay Order. On February 7, 2018, the D.C. Circuit granted Boyce Hydro's motion for a stay, in part, and stayed the portion of the Cease Generation Order that required Boyce Hydro to cease generation.<sup>3</sup>

The court's February 7, 2018 Order granting, in part, Boyce Hydro's stay motion effectively granted Boyce Hydro the relief it seeks in its request for rehearing. Accordingly, the request for rehearing of the Stay Order is moot, and is dismissed.

This notice constitutes final agency action. A request for rehearing by the Commission of this notice may be filed within 30 days of issuance of this notice, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l(a) (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2017).

Kimberly D. Bose,  
Secretary.

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<sup>1</sup> *Boyce Hydro Power, LLC*, 161 FERC ¶ 62,119 (2017) (Cease Generation Order).

<sup>2</sup> *Boyce Hydro Power, LLC*, 162 FERC ¶ 61,007 (2018) (Stay Order).

<sup>3</sup> *In re: Boyce Hydro Power, LLC*, D.C. Cir. No. 17-1270 (Feb. 7, 2018).

Document Content(s)

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