

VAN NESS FELDMAN HELPS NEW YORK POWER AUTHORITY SECURE NEW 50 YEAR LICENSE FOR THE NIAGARA POWER PROJECT

FOR IMMEDIATE RELEASE – Washington, DC – On March 15, 2007, the Federal Energy Regulatory Commission (FERC) issued a new 50 year license to the New York Power Authority (NYPA) for the continued operation of the Niagara Power Project. At 2,755 MW, the Niagara Power Project is the largest FERC-licensed hydroelectric facility in the United States. Van Ness Feldman provided guidance to NYPA at all stages of the seven year relicensing effort.

Without material modification, the licensing order incorporates the provisions of a comprehensive settlement executed among NYPA, state and federal resource agencies, non-governmental organizations, municipalities, and Indian Nations. FERC Chairman Joseph T. Kelliher congratulated NYPA and its settlement partners, and characterized the order as “a win-win for customers in New York, the region, and the nation.”

The licensing order, which does not require operational changes at the Niagara Project, provides for:

- Habitat Improvement Projects;
- Recreation Improvements;
- Funding for Future Environmental Enhancement Projects;
- Land and Recreation Plans;
- Protection of Historic Properties;
- Funding for Land Conservation; and
- Funding for Capital Improvements.

Van Ness Feldman partner Jay Ryan led the team that counseled NYPA. Ryan commented that “Van Ness Feldman is proud to be associated with an effort that preserves the Niagara Project’s low-cost power, supports environmental enhancements, and provides significant benefits to the local communities.” The firm’s representation included strategic and legal counsel regarding the development and implementation of the alternative licensing process, scoping, resolution of study disputes, negotiation and execution of settlement agreements, and preparation of the licensing application and the applicant prepared environmental assessment.

For more information about the Niagara relicensing process, please contact Jay Ryan at (202) 298-1878.

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Founded in 1977, Van Ness Feldman provides strategic advice to clients in a variety of industries whose businesses are affected by government policies and regulations in the areas of energy, the environment, federal land use, and Indian Law. We have counselled hydroelectric projects in all regions of the country, helping clients to anticipate and address the competing demands of project economics, management, and regulatory compliance as well as take advantage of new opportunities and emerging markets. Our professionals know how to resolve issues effectively while implementing cost containment strategies for complex and precedent-setting proceedings. For more information, please visit www.vnf.com.