

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
April 14, 2025

OFFICE OF ENERGY PROJECTS

Project No. 14890-005 – Oklahoma
and Texas
Pushmataha County Pumped Storage
Project
Southeast Oklahoma Power
Corporation

VIA FERC Service

Johann Tse
Southeast Oklahoma Power Corporation
6208 Sandpebble Court
Dallas, Texas 75254

Subject: Termination of Integrated Licensing Process for the Pushmataha County Pumped Storage Project, P-14890-005

Dear Mr. Tse:

On March 17, 2025, the Southeast Oklahoma Power Corporation (SEOPC) filed its third Proposed Study Plan (PSP) for the proposed Pushmataha County Pumped Storage Project No. 14890 (Pushmataha Project, or project) to correct deficiencies in its initial PSP, filed on December 23, 2024,¹ and updated PSP, filed on February 6, 2025.²

¹ On January 8, 2025, Commission staff informed SEOPC that the PSP was insufficient to proceed with the study planning process because the PSP lacked the information required by multiple elements of section 5.11 of the Commission's regulations. Staff explained that the PSP was deficient pursuant to section 5.11(b)(4), which requires an explanation of why any of the studies requested by stakeholders were not adopted (with specific reference to the criteria set forth in section 5.9(b)). Staff gave SEOPC 30 days, or until February 7, 2025, to file an updated PSP that included the missing information and informed SEOPC that the ILP for the project may be terminated if SEOPC was unable to file an adequate PSP to proceed with the study planning process.

² On February 20, 2025, Commission staff responded to SEOPC's updated PSP filed on February 6, 2025. Staff informed SEOPC that the updated PSP was still insufficient to proceed with the study planning process because it still lacked information

Commission staff has reviewed the March 17, 2025 PSP and finds it insufficient to proceed with the study planning process.

For several of the study requests rejected by SEOPC, the PSP does not include explanations of why the requested studies were not adopted as required by section 18 CFR 5.11(b)(4) of the Commission's regulations. For example, at the bottom of page 13 of SEOPC's Appendix B table listing the study requests from the Chickasaw Nation and Choctaw Nation of Oklahoma (Nations), the Nations ask SEOPC to "[s]uperimpose predicted sound level isopleths or sound contours on aerial photographs or maps of the project area and include specific sound level predictions at the selected measurement locations." To this detailed request, the PSP response is that SEOPC is "[n]ot proposing to study [or] Superimpose predicted sound level isopleths studies as part of the proposed environmental study plans at this time." In neither this example, nor elsewhere in the PSP, does SEOPC address such a request for the specific methodology or explain how its methodology would accomplish the same goal as that of the requesting entity according to section 18 CFR 5.9(b)(7). In fact, SEOPC does not explain, using any of the ILP criteria in section 5.9(b), why it did not adopt any of the studies recommended by stakeholders that it rejected (as required in section 18 CFR 5.11(b)(4)). Finally, SEOPC's tables of study requests in Appendix B of the PSP appear to miss the nine studies requested by the United States Department of the Interior, Fish and Wildlife Service, in its filing of September 5, 2024.

Where SEOPC does agree to conduct a requested study (as indicated in the *Table of Requested Study Plans by Category and Responses by SEOPC* or the tables in Appendix B), the PSP typically does not incorporate the relevant methodology in the study plan in Appendix A. For example, in items 13 and 14 of the table (in Appendix B) titled *Summary of formal study requests by The City of Oklahoma City dated 11/01/2024 and responded to by SEOPC* (on page 3), SEOPC commits to conducting habitat suitability and temperature modeling requested by the City. However, neither of these study components are reflected in SEOPC's proposed study methodologies (in Appendix A).

Failure to comply with the noted ILP criteria has persisted through SEOPC's initial PSP filing and two updated PSPs. Without the information required in 18 CFR section 5.11(b)(4), stakeholders cannot provide informed written comments (18 CFR section 5.12), or participate in a study plan meeting to clarify the PSP and resolve any outstanding issues (18 CFR section 5.11(e)).

required by section 5.11(b)(4) of the Commission's regulations. Staff gave SEOPC an additional 30 days, or until March 22, 2025, to file a second updated PSP (i.e., third PSP) that includes the missing information.

In preparing the PSP, SEOPC has not demonstrated the diligence needed under the ILP for the Pushmataha Project. Due to SEOPC demonstrating a continued inability to adhere to the Commission's ILP regulations, and ongoing delays, the Notice of Intent (NOI) and pre-application document (PAD) for the Pushmataha Project are dismissed, and the associated ILP proceeding is terminated. Therefore, as soon as possible, please cancel the PSP meeting scheduled for April 16-18, 2025.

The preliminary permit for the Pushmataha Project expires on March 31, 2027. As the holder of the preliminary permit, SEOPC is reminded that only it may file a license application during the permit term and that preliminary permits are not transferable. In addition, any application must be prepared using the ILP and any request to reinstate the ILP must include an updated PSP that fully addresses the deficiencies identified herein.

This proceeding is terminated under authority delegated to the Director and constitutes final agency action. Request for rehearing by the Commission may be filed within 30 days from the date of this letter, pursuant to 18 CFR section 385.713.

Sincerely,

**NICHOLAS
JAYJACK**

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Nicholas Jayjack
Director
Division of Hydropower Licensing

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