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Client Alert: FERC Order on Municipal Preference in Hydropower Licensing

January 7, 2014 | *William S. Huang*

On December 19, 2013, FERC issued an order introducing a new interpretation of the Federal Power Act that would significantly limit the scope of the statute's municipal preference in hydroelectric licensing and preliminary permit proceedings. FERC's decision creates a new geographic restriction on that statutory preference: in a competitive preliminary permit proceeding, FERC held that Western Minnesota Municipal Power Agency should be denied municipal preference because the site of the proposed hydroelectric project was not in the vicinity of WMMPA's headquarters. FERC's decision, if it is not modified on rehearing or appeal, could have significant impacts on municipalities seeking to develop hydroelectric projects. Please see the article below for further discussion on this topic.

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Related Practices and Services

- Hydropower and Water

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