

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
April 19, 2024

OFFICE OF ENERGY PROJECTS

Project No. 14890-004 – Oklahoma
Pushmataha County Pumped
Storage Project
Southeast Oklahoma Power
Corporation (SEOPC)

VIA FERC Service

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

Reference: Rejection of Notice of Intent and Pre-Application Document

Dear Mr. Tse:

On January 31, 2024, Southeast Oklahoma Power Corporation (SEOPC) filed a notice of intent (NOI), and pre-application document (PAD) to construct and operate the proposed 1,200-megawatt (MW) Pushmataha County Pumped Storage Hydroelectric Project No. 14890. The project would be located along the Kiamichi River in Pushmataha County, Oklahoma, approximately 5 miles south of the town of Talihina. The project would include a 100-mile-long transmission line with a proposed point of interconnection in Paris, Texas. On March 21, 2024, Commission staff found that SEOPC's PAD was deficient, in part, because SEOPC had not demonstrated due diligence in preparing its PAD pursuant to the Commission's regulations.¹ Commission staff's March 21, 2024 letter included a Schedule A detailing the deficiencies that needed to be corrected prior to re-filing the PAD.

On April 1, 2024, SEOPC filed a revised PAD and NOI for the proposed Pushmataha County Pumped Storage Project No. 14890.

Section 5.6(b)(2) of the Commission's regulations requires that a PAD reflect that the applicant used due diligence in obtaining the information it provided to the Commission. Section 5.6(b)(2) specifically provides that: "[d]ue diligence includes, but is not limited to, contacting appropriate agencies and Indian tribes that may have relevant information and review of federal and state comprehensive plans filed with the Commission and listed on the Commission's Web site at <http://www.ferc.gov>." Additionally, section 5.6(d)(5) of the regulations requires the PAD to include an appendix summarizing contacts with Federal,

¹ Rejection of Pre-Application Document (Accession No. 20240321-3018).

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state, and interstate resource agencies, Indian Tribes, non-governmental organizations, or other members of the public in connection with preparing the PAD sufficient to enable the Commission to determine if due diligence has been exercised in obtaining the relevant information (e.g., copies of correspondence, including any response comments received).

SEOPC does not provide sufficient documentation of consultation in its revised PAD. Specifically, while the revised PAD includes copies of letters sent to landowners, dated March 22, 2024, and to Tribes and agencies, dated March 25, 2024, SEOPC filed the revised PAD and NOI on April 1, 2024, within a week of the dates of its letters requesting information. This is not sufficient time for the parties contacted to respond to the letters, and your PAD does not summarize how any responses were incorporated into the PAD pursuant to section 5.6(b)(5) of the Commission's regulations. Therefore, SEOPC has not demonstrated due diligence, and accordingly, the NOI and PAD are rejected.

If you have any questions, please contact Kristine Sillett at (202) 502-6575 or by email at kristine.sillett@ferc.gov.

Sincerely,

**NICHOLAS
JAYJACK**

Nicholas Jayjack
Acting Director
Division of Hydropower Licensing

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