

March 1, 2012

**VIA ELECTRONIC FILING**

Hon. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Project No. 13287-000 – City of New York West of Hudson Hydroelectric Project  
  
Application for a Preliminary Permit – Neversink Hydroelectric Development and  
Pepacton Hydroelectric Development

Dear Secretary Bose:

The City of New York (“City”), acting through the New York City Department of Environmental Protection (“DEP”), hereby files with the Federal Energy Regulatory Commission (“Commission”) an application for a new, successive preliminary permit for the City’s West of Hudson Hydroelectric Project (“Project”). This application specifically pertains to the Neversink Hydroelectric Development, which is located at the Neversink Reservoir and Dam, and the Pepacton Hydroelectric Development, which is located at the Downsville Dam and Pepacton Reservoir.

The City received a preliminary permit for the Project on March 20, 2009.<sup>1</sup> As explained in the attached application, the City proceeded diligently to develop and perform the studies that would be needed to support applications for licenses or exemptions from licensing for each Development that comprised the Project. Indeed, yesterday, the City filed an application for an original license for the Cannonsville Hydroelectric Development (now referred to as the Cannonsville Hydroelectric Project), one of the other Developments that comprised the Project.

As also explained in detail in the attached application, the City was recently notified by New York State Electric & Gas Corporation that the electric distribution circuits to which the City had planned to interconnect the Neversink and Pepacton hydroelectric facilities cannot handle the output from the facilities and would need to be upgraded. The City has decided to seek a new, successive preliminary permit instead of proceeding with licensure applications in

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<sup>1</sup> *City of New York and Delaware County Electric Cooperative*, 126 FERC ¶ 62,215 (2009).

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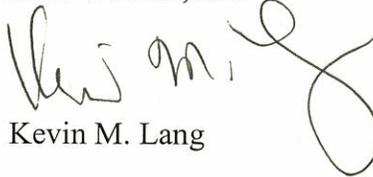
order to study the implications of this information and compile the information necessary to address this matter in its licensure applications if it decides to proceed with these Developments.

Copies of this application are being served concurrently on the individuals listed in Section 4.32(b)(1) of the Commission's regulations, 18 CFR § 4.32(b)(1). Additionally, DEP has set up a web site for the Project, and a copy of this application will be posted to it.

Thank you for your consideration of this matter. Please do not hesitate to contact me with any questions.

Respectfully submitted,

COUCH WHITE, LLP

A handwritten signature in black ink, appearing to read "Kevin M. Lang", with a large, stylized flourish extending from the end of the signature.

Kevin M. Lang

KML/glm

Enclosures

cc: John Mudre (via overnight mail w/ enc.)  
Kimberly Ognisty, Esq. (via overnight mail w/ enc.)  
Gerald L. Cross, Regional Engineer (via overnight mail w/ enc.)  
Attached Service List  
Anthony Fiore (via email w/o enc.)  
Robert Craig, Esq. (via email w/o enc.)  
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