

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In Re: Application for Surrender of License and
for Non-Project Use of Project Lands (Pacific
Gas & Electric Company; Potter Valley
Hydroelectric Project No. P-77)

FERC Project No. 77-332

REPLY
as a
MOTION FOR LEAVE TO FILE A LIMITED REPLY AND LIMITED REPLY
to
AVOID A RULE 213(a)(2) STRIKE
by
INFRASTRUK GROUP LLC
in
SUPPORT OF MOTION FOR LATE INTERVENTION
to
THE CITY OF UKIAH'S
OPPOSITION
TO INFRASTRUK GROUP LLC'S
MOTION TO INTERVENE LATE
(POTTER VALLEY PROJECT NO. 77-332)

Introduction

Infrastruk Group LLC ("Infrastruk"), pursuant to the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission" or "FERC"), Federal Power Act (FPA), Code of Federal Regulations (CFR), and Scoping Document compliance required by the National Environmental Policy Act (NEPA), respectfully submits this Reply to the Opposition filed August 5, 2026, by the City of Ukiah ("Ukiah" also as "Opponent") to the Infrastruk Motion for Late Intervention filed July 23, 2026 ("Motion"), and restates such Motion and also restates its prior replies to other parties and the companion Public Comments filed contemporaneously therewith.

Summary

Infrastruk has been guided by a careful compliance with the FERC Scoping Document requesting "reasonable alternatives" as apart of the normal logic flow stream focused on Rule 214 by showing good cause, plus timely NEPA comment, with reasonable alternatives, without prejudice, assuming the existing record, without repetition of complete procedural steps, and without delay to avoid irreversible consequences.

Infrastruk has also been guided by a careful compliance with the recent comments by the United

States Secretary of Agriculture, and the numerous United States Presidential Executive Orders, and resulting laws, rules and regulations promulgated by the President and the various administrative agencies under his discretion control, to advance the interests of agriculture, energy generation, global national security, global military dominance, global dominance of artificial intelligence, data centers/AI systems, critical minerals production and related issues of direct application to the current matter before the FERC.

Thus, Infrastruk will not reply to the statements contained in the brief by the Opposition regarding: "slithering," "sophistry," "circus," "interloper," and critical AI remarks.

To the extent that the seriousness and qualifications of Infrastruk or the signatory below are called into question to participate in the FERC proceeding, maybe the following will clarify that information.

Yes, Infrastruk, and its dozens of highly qualified teammates and consultants in numerous countries across the world, with many combined 100's or years of actual relevant project experience as ME, CE, EE, EEE, Data/AI, etc. engineers, MBA's, investors, chemists, lawyers and IP innovators, use a dozen of the top AI programs including LexisNexis and other similar AI legal programs as well as "old school" original legal research, all operating in cross-check verification tandem for its STEM R&D new IP innovation, project design, financial accountability, operational ability and other matters including legal compliance and legal filings.
<https://www.infrastrukgroup.net/>

And yes, Infrastruk and its predecessor companies have owned and developed for energy and water supply over 4,800 acres in California and are currently closing on an additional 125,000 + acres of agricultural, critical mineral, water, energy and data center/AI eligible lands in California and Nevada.

And yes, Infrastruk, or the undersigned signatory, has no conflicting economic, legal, political, or institutional interest in the subject matters related to the FERC resolution of this matter. Infrastruk would be willing to facilitate and participate in the reasonable alternative review process and facilitation as determined necessary by the FERC and any or all other parties, especially if that reasonable alternative is based upon a new Public-Private-Partnership (PPP) formed by a new Joint Powers Authority (JPA) and a competent private party.

And yes, the signatory below is a Co-Founder of Infrastruk and has personally through his closely held corporations and trusts, owned and operated over 12,000 acres of agricultural, oil/gas, energy, and mineral lands over the last 5 decades located in California, Colorado, and Texas.

And yes, he has traveled extensively across California and Ukiah and environs since 1955, when as a new California based Cub Scout, Boy Scout, and later landowner, lawyer, and IP innovator he became a part of the fabric of the local communities.

And yes, he has shared countless hours over 50 + years with the local communities in the American Indian Country and with the native Pacific Islanders helping in every plausible way as *pro bono publico* to meet the needs of their cultures and communities.

And yes, he is widely published in professional treatises on the relevant matters. He holds SEL, MEL, VFR, IFR, Piston, turbo-prop, jet flight certification experience with 1,000's of hours as

single pilot PiC flying Presidential Candidate, certified to fly Ex-President, and flown Governors, Congressmen, Senators, agency heads and their families, and has complied with full carrier qualification training operations. He has secured FERC licenses and designed and built high-head and low-head hydroelectric facilities and long-distance grid connections for wheeling and distribution of energy and water. <https://johnmusick.com/cv-john-musick>

And yes, he has been a United States Department of State “Invited Visitor Leadership Program” (IVLP) designated expert on water and energy providing detailed scientific and economic information, lectures and consulting advice to governmental, universities, research labs and business leaders in over a dozen countries globally.

And yes, Infrastruk is not asking the Commission to retroactively reopen the 2019 successor-license proceeding or to declare Infrastruk the successor licensee. Infrastruk seeks intervention in the **present P-77-332 surrender proceeding** so that the Commission may consider, before authorizing irreversible decommissioning and destruction of existing Project facilities, whether continued operation, rehabilitation, transfer to a qualified successor entity, or another legally available mechanism constitutes a reasonable alternative to complete decommissioning.

The distinction is fundamental.

The question before the Commission is not whether Infrastruk met a 2019 deadline to become the licensee. The immediate question is whether, in the ongoing surrender and NEPA proceeding, the Commission should consider a potentially practicable alternative before authorizing irreversible destruction of infrastructure serving substantial public water, agricultural, energy, environmental, national food and military security, critical minerals and public-safety interests; especially in light of the interest expressed by the Secretary of Agriculture, Presidential Executive Orders and related laws, rules and regulations.

Argument

FERC ITSELF INVITED THE SUBMISSION OF ALTERNATIVES DURING THE 2026 SCOPING PROCESS

Infrastruk’s July 23, 2026, filing was not an attempt to manufacture a new proceeding. It responded directly to the Commission’s May 22, 2026, NEPA scoping process.

The Commission expressly stated that its environmental document would be used to identify the adverse and beneficial effects of the proposed surrender and to consider **“reasonable alternatives.”**

More specifically, Commission staff requested public comments concerning **“potential alternatives and impacts”** and relevant information, studies, and analyses.

Infrastruk filed its Public Comment and Motion for Late Intervention on July 23, 2026—within the Commission’s July 24, 2026, scoping-comment deadline.

Accordingly, the substantive alternative presented by Infrastruk was timely for the very NEPA process in which FERC expressly requested alternatives.

Ukiah itself acknowledges that Infrastruk was entitled to submit comments and technical perspectives through the NEPA process. The dispute therefore is not whether the Commission may receive and consider Infrastruk's alternative. It plainly may. The narrower question is whether Infrastruk should also be permitted to participate as a party while the Commission evaluates an alternative that Infrastruk has placed before it.

GOOD CAUSE EXISTS FOR LATE INTERVENTION

The May 22, 2026, Scoping Notice created a new and material procedural circumstance following the original intervention deadline: FERC expressly opened the environmental record for identification and consideration of potential and reasonable alternatives.

Infrastruk responded during that Commission-established comment period.

Granting intervention would not require FERC to accept Infrastruk's alternative, transfer the license to Infrastruk, delay the proceeding indefinitely, or reopen the 2019 relicensing process.

It would merely permit Infrastruk to actively participate in the existing proceeding concerning an alternative that the Commission itself invited the public to present.

The Commission retains complete authority to determine whether the alternative is legally available, technically feasible, economically practicable, environmentally preferable, meets national Presidential and Executive Departmental guidelines or otherwise worthy of further consideration.

That is precisely why intervention is appropriate: those questions should be determined on an adequate factual and technical record rather than foreclosed procedurally before the alternative is evaluated.

THE PUBLIC INTEREST WARRANTS CONSIDERATION OF THE ALTERNATIVE

The interests at stake extend far beyond Infrastruk.

The United States Department of Agriculture has commented related to these proceeding to protect interests including farmers, ranchers, agricultural producers, communities, National Forest lands, and other stakeholders affected by the proposed surrender.

Secretary of Agriculture Brooke L. Rollins has publicly alerted everyone of potentially devastating consequences for hundreds of family farms if the Project is dismantled without an adequate replacement for its historic water functions.

Ukiah's own Opposition demonstrates the magnitude of the public interest. Ukiah states that continued diversion of sufficient water is critical to communities and farms throughout the Russian River watershed and describes a combined affected community exceeding 600,000 people.

Thus, there is substantial agreement on at least one central proposition: **the Commission's decision will have profound and potentially irreversible consequences for agriculture, communities, water supply, fisheries, and the regional economy; and on the far bigger picture profound and potentially irreversible consequences for national security for food, critical energy, data/AI, military, critical minerals and other momentous considerations.**

The disagreement concerns the best means of protecting those interests.

That disagreement is a reason to consider reasonable alternatives—not a reason to exclude them.

INTERVENTION NEED NOT PREJUDICE THE EXISTING PARTIES OR DELAY THE PROCEEDING

Infrastruk does not request that FERC suspend the proceeding, invalidate work already performed, or disregard the Two Basin Solution.

Nor does Infrastruk ask the Commission to accept its alternative without technical, environmental, financial, and legal scrutiny.

Infrastruk asks only that the Commission preserve the ability to evaluate a potentially reasonable alternative before authorizing actions that may become irreversible.

Any concern regarding delay or prejudice can readily be addressed by conditioning late intervention upon acceptance of the record and procedural schedule as they presently exist.

Infrastruk therefore respectfully represents that it will accept the proceeding in its present posture and does not seek repetition of completed procedural steps merely by virtue of being granted intervention.

CONCLUSION

The Commission expressly invited the public to submit potential alternatives during its 2026 NEPA scoping process. Infrastruk did so within the Commission-established comment period and simultaneously sought intervention so that it could participate responsibly in the Commission's evaluation of that alternative.

Nothing in Infrastruk's Motion requires the Commission to reopen the 2019 proceeding or designate Infrastruk as successor licensee.

The Motion asks for something considerably narrower: an opportunity to participate in the existing surrender proceeding while the Commission determines whether continued operation, rehabilitation, transfer to a qualified successor entity, or another legally available structure constitutes a reasonable alternative to irreversible decommissioning.

Given the substantial agricultural, municipal, environmental, energy, national security and public-safety interests implicated by Project No. P-77-332, the public interest is better served by evaluating potentially reasonable alternatives on their merits than by foreclosing their consideration through a procedural bar.

And on a personal note: The wonderful community of Ukiah and its residents and visitors deserve the FERC to complete the process of the Scoping Document to consider alternatives ... every plausible alternative ... no matter how much contrary language is used by their admirable erstwhile counsel.

Infrastruk welcomes having Ukiah and the compelling Ukiah counsel on its side as part of a new Public-Private-Partnership (PPP) formed by a new Joint Powers Authority (JPA) and a competent private party; that will be a winner for sure.

The PPP is the possibility of a birth of something grand and new and not presiding over the sudden death and burial of something viewed by some as old and dying yet lives on forever in over a century of life built with blood, sweat, toil, and tears by uncountable numbers of people.

Do not attempt to return the rivers to a make-believe past for a mirage of a future, while ignoring the century of labor and investment and livelihood of the current local community of friends and neighbors whose souls are no doubt here forever.

And I am similarly hopeful that the Secretary of Agriculture for the United States and other governmental agencies and the Tribal Nations of the region can work together to achieve the reasonable alternative solicited by the FERC in the Scoping Document.

I am confident that the Secretary of Agriculture was mindful of the time deadlines in the various regulations when she appears to encourage the continuation of vital agricultural benefits and the community that produces them.

So, time expiration is a minor consideration when upending over a century of invested time and labors in favor of an unknowable future.

What good is the "right" conferred by the FERC Scoping Document to consider alternatives without a "legal" remedy associated with the "right"?

The Motion to Intervene is that "legal" remedy.

WHEREFORE, Infrastruk Group LLC respectfully requests that the Commission:

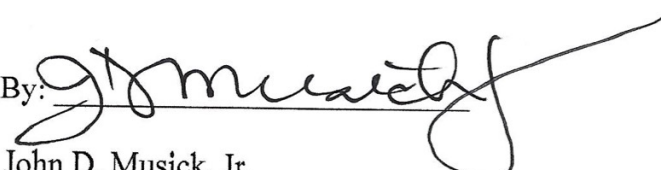
1. grant leave to file this limited Reply;
2. deny the City of Ukiah's request to reject Infrastruk's Motion;
3. find good cause under Rule 214 for Infrastruk's late intervention;
4. grant Infrastruk's Motion to Intervene Out of Time, subject to the existing procedural posture and schedule of this proceeding; and
5. ensure that Infrastruk's timely July 23, 2026, NEPA Public Comment and the reasonable alternative identified therein, plus the Motion and all filings related thereto, remain part of the Commission's environmental and administrative record for consideration before any irreversible surrender or decommissioning authorization is issued.

The Motion should therefore be granted and the Opposition rejected.

Respectfully Submitted,

DATED: August 8, 2026,

By:



John D. Musick, Jr.

John D. Musick, Jr.

EVP and General Counsel

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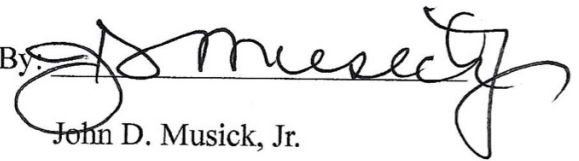
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail or electronic mail, the Reply by Infrastruk Group LLC to the Opposition to the Motion for Late Intervention by the City of Ukiah regarding PG&E's proposed license surrender and decommissioning of the Potter Valley Hydroelectric Project, P-77-332. This Certificate of Service is served upon each person designated on the official P-77-000 Service List compiled by the Commission in the above-captioned proceedings.

Dated this 9th day of August 2026.

By: 
John D. Musick, Jr.

EVP and General Counsel

Infrastruk Group LLC