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VIA ELECTRONIC FILING

June 9, 2026

Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: Potter Valley Hydroelectric Project, FERC No. 77-332
Request for Extension of Time to File Water Quality Certification Information
Potter Valley License Surrender

Dear Secretary Reese:

Pacific Gas and Electric Company ("PG&E"), licensee for the Potter Valley Hydroelectric Project No. 77 ("Project"), respectfully requests an extension of the June 30, 2026, deadline to submit evidence of its Clean Water Act ("CWA") Section 401 water quality certification ("WQC") request to the California State Water Resources Control Board ("SWRCB") for PG&E's July 25, 2025 application to surrender the license and decommission the Project ("Surrender Application"). The current June 30, 2026, deadline was established in an order issued by Federal Energy Regulatory Commission ("Commission") staff on December 23, 2026 (the "Scheduling Order").[1]

When it issued the Scheduling Order, Commission staff elected to substitute a fixed calendar date for the more flexible timing framework PG&E had proposed in a November 25, 2025 filing, based on uncertainty regarding the timing of the Commission's National Environmental Policy Act ("NEPA") process.[2] Since then, PG&E and the SWRCB have continued close coordination on the environmental studies, plans, and documentation that will inform PG&E's request for a WQC.

In light of these practical considerations, the current June 30, 2026, deadline for filing a copy of the WQC request is premature. The SWRCB has similarly notified the Commission of this

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[1] Order Approving Extension of Time for Water Quality Certification Information, FERC Accession No. 20251223-3014 (issued Dec. 23, 2025) (hereinafter, the "Scheduling Order").

[2] PG&E Request to Modify Timeline to Submit Water Quality Certification Request, FERC Accession No. 20251125-5062 (Nov. 25, 2025) (hereinafter, the "PG&E November Request").

reality, observing that the June 30, 2026, date was not adequate.[3] PG&E respectfully requests that the Commission extend the June 30, 2026, deadline established in the Scheduling Order and adopt the timeline proposed in the PG&E November Request.

Specifically, PG&E requests that the Commission require PG&E, no later than 60 days after the Commission issues its Notice of Intent to Prepare an Environmental Impact Statement ("EIS") or other similar notice triggering NEPA review of the surrender application, to file with the Commission a detailed schedule for submitting its WQC request for the Project surrender to the SWRCB.

PG&E's extension of time request is grounded solely in practical considerations: the ongoing evolution of the decommissioning plan, including final management plans, and PG&E's continuing coordination with the SWRCB to support an efficient WQC process that will allow for timely decommissioning of the Project.

I. BACKGROUND

A. FERC's October 31, 2025 Notice and Initial 60-Day Requirement

On October 31, 2025, Commission staff issued notice of PG&E's Surrender Application.[4] Among other things, the October Notice required PG&E, within 60 days (*i.e.*, by December 30, 2025), to file with the Commission a copy of its request for WQC, including proof of the date on which the SWRCB received the request.[5]

B. PG&E's Proposed Timing Framework

On November 25, 2025, PG&E filed the November Request, which asked the Commission to modify the December 30, 2025, deadline for surrender-related WQC documentation. PG&E explained that it was engaged in "ongoing coordination with the SWRCB related to the development of its WQC request for the License Surrender Application,"[6] and that PG&E and the SWRCB were coordinating "to ensure the efficient development and implementation of studies needed for the SWRCB to comply with its obligations under the California Environmental Quality Act and issue to PG&E the WQC for the license surrender application."[7]

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[3] SWRCB Comments on Order Approving Extension of Time for Water Quality Certification Information, FERC Accession No. 20260316-5230 (Mar. 16, 2026) (hereinafter, the "SWRCB March Comments").

[4] Notice of Application for Surrender of License and Non-Project Use of Project Lands, Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests. Project No. 77-332, FERC Accession No. 20251031-3014 (issued Oct. 31, 2025) (hereinafter, the "October Notice").

[5] *Id.* at ¶ k.

[6] PG&E November Request at 2.

[7] *Id.*

PG&E emphasized its commitment "to develop a WQC request for the License Surrender Application that may be timely processed and approved."[8]

Against that backdrop, PG&E proposed that the Commission modify the timing requirement so that, rather than filing its WQC request within 60 days of the October Notice, PG&E would file its WQC request on a timeline keyed to the Commission's NEPA process. Specifically, PG&E proposed "to submit to the Commission a detailed schedule for submitting the WQC request for the License Surrender Application no later than 60 days after the Commission issues its Notice of Intent to Prepare an Environmental Impact Statement or other similar notice by the Commission triggering review of the License Surrender Application under the National Environmental Policy Act."[9] PG&E explained that "[b]y that time, PG&E expects the SWRCB will be well positioned to process PG&E's request and issue its WQC for the License Surrender Application within the one-year period prescribed in Section 401 of the Clean Water Act."[10]

C. SWRCB's Alternative Timing Framework

On December 1, 2025, the SWRCB submitted a letter to the Commission, which similarly asked the Commission to extend the timeline for PG&E to submit a WQC application until further environmental studies and documentation were complete.[11] The SWRCB explained that, by analogy to the Integrated Licensing Process ("ILP"), certification for major hydroelectric actions is ordinarily tied to the point at which the Commission deems the project "ready for environmental analysis" and commences NEPA review.[12] The SWRCB noted that while the Commission's license surrender regulations do not require a notice of ready for environmental analysis, neither do they require directing an applicant to file WQC materials "before the environmental review process begins."[13]

The SWRCB stated its view that, consistent with the ILP, "the application for certification should not be filed before the Commission deems the project ready for environmental analysis and begins the environmental review process under [NEPA]."[14] Based on its experience with other large decommissioning efforts, the SWRCB concluded it was "unlikely that PG&E could provide a sufficiently complete certification application within 60 days of the Commission's

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[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] SWRCB Comment on Notice of Application accepted and Request to Postpone the Deadline for Water Quality Certification Application Submittal, Accession No. 20251201-5591 (Dec. 1, 2025) (hereinafter, the "SWRCB December Comments").

[12] *Id.* at 2-3.

[13] *Id.*

[14] *Id.* at 3.

Notice."[15] Accordingly, the SWRCB asked the Commission to "rescind the requirement that PG&E file an application for certification within 60 days of the Notice, and instead require PG&E to submit a timeline for collecting needed information for all the proposed studies, completing proposed plans in consultation with the State Water Board and other parties, and ultimately filing a certification application."[16]

D. The Scheduling Order

On December 23, 2025, Commission staff issued the Scheduling Order, which granted, in part, PG&E's November Request for additional time. Commission staff concluded that "[t]he reasons advanced by [PG&E] justify its request for additional time to file documentation of applying for water quality certification." Rather than linking a new deadline to the NEPA process, the Scheduling Order established a June 30, 2026, deadline to submit a copy of the WQC request. The Scheduling Order did not directly respond to the circumstances warranting additional time highlighted by both PG&E and the SWRCB; instead, the Scheduling Order established a fixed date, without any specific justification other than the fact that it was unknown when Commission staff would issue notice of intent to prepare a NEPA document.[17]

E. SWRCB's March Comments

The SWRCB on March 16, 2026, commented that the June 30, 2026, deadline is not realistic.[18] The SWRCB detailed its ongoing coordination with PG&E to define and implement the suite of environmental studies needed to support both FERC's NEPA review and the SWRCB's CEQA analysis. In light of "the ongoing efforts and expected progress," the SWRCB advised FERC that PG&E is unlikely to have a "sufficiently complete" certification request by June 30, 2026.[19]

The letter further emphasized that FERC itself has acknowledged uncertainty about the timing of its NEPA process, yet nevertheless selected June 30, 2026, as a fixed date for submission of WQC information. The SWRCB characterizes that date as "arbitrary" and "inappropriate" given the Commission's lack of a defined NEPA schedule and the still-developing decommissioning details and study suite.[20] The SWRCB concluded that it did not consider the June 30, 2026, deadline "to be adequate" and "respectfully [requested] the Commission consider further extending the certification timeline for the Surrender Application until PG&E can apply for

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[15] *Id.* at 4.

[16] *Id.*

[17] Scheduling Order at ¶ 4.

[18] SWRCB Comment on Order Approving Extension of Time for Water Quality Certification Information, Accession No. 20260316-5230 (Mar. 16, 2026) (hereinafter, the "SWRCB March Comments").

[19] *Id.* at 1.

[20] *Id.* at 2.

certification with sufficient information."[21] These comments clearly indicate that both PG&E and the SWRCB share a common view that the June 30, 2026, deadline is unworkable.

II. DISCUSSION

PG&E recognizes the Commission has broad discretion to manage dockets as it sees fit. Here, PG&E requests a reasonable and modest adjustment to the timeline for submitting evidence of its WQC request. PG&E's request is aligned with the SWRCB, who in March asked the Commission to "consider further extending the certification timeline …."[22] PG&E's proposal is aligned with changing circumstances regarding PG&E's evolving management plans, which are an integral part of the overall decommissioning plan, and ongoing coordination with the SWRCB. Furthermore, PG&E's proposed timing framework would efficiently align the WQC process with the Commission's NEPA process. This adjustment will support a more efficient and coherent record without frustrating the Commission's ability to act on the Surrender Application in a timely manner or the SWRCB's ability to timely act on the WQC request.

A. The June 30, 2026, Deadline Does Not Reflect On-The-Ground Circumstances

When Commission staff issued the Scheduling Order, the timing of its NEPA document preparation was uncertain. Commission staff expressly acknowledged that uncertainty and, on that basis, selected June 30, 2026, as a fixed deadline for filing WQC documentation.[23] The Scheduling Order also recognized that the "reasons advanced by [PG&E] justify its request for additional time,"[24] including PG&E's explanation that by the time of a NEPA notice, the SWRCB would be "well positioned" to process a WQC request.[25] In other words, the Commission accepted the core premise that additional time is warranted to allow the WQC process to proceed in a coordinated manner with the development of environmental information and NEPA review.

Since the Scheduling Order was issued, it has become even clearer that a fixed date is a less effective means of managing the WQC aspect of this docket compared to the flexible, NEPA-triggered schedule PG&E originally proposed given PG&E's ongoing development of studies and plans in concert with the SWRCB. Indeed, the SWRCB has noted that the "June 30, 2026, deadline seems arbitrary in light of the Commission's statement that it does not know when it will issue notice of NEPA document preparation."[26]

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[21] *Id.* at 3.

[22] SWRCB March Comments at 3.

[23] Scheduling Order at ¶ 4.

[24] *Id.*

[25] PG&E November Request at 2.

[26] SWRCB March Comments at 2.

Nothing in the record suggests that a June 30, 2026, deadline is itself necessary to ensure timely surrender of the license and decommissioning of Project facilities—a point with which the SWRCB seemingly agrees.[27] In fact, the June 30, 2026, deadline could undermine PG&E's efforts to advance license surrender and decommissioning in a timely manner. If the current deadline remains, PG&E will be required to submit a WQC request without decommissioning management plans, which are still being developed in consultation with the SWRCB.[28] Such an outcome would likely require PG&E to amend or supplement its WQC request and would certainly complicate and delay both the Commission's and the SWRCB's processes.

The Commission's May 22, 2026 Scoping Document 1 recognizes this tension, observing that the "development of a NEPA document is dependent upon the timely filing of PG&E's proposed mitigation plans."[29] Commission staff set a July 25, 2027, schedule for PG&E to submit management plans and mitigation measures.[30] It is not clear to PG&E why the deadline for filing a WQC request (June 30, 2026) is over a year before the deadline for filing final management plans and mitigation measures (July 25, 2027). These two processes can be more logically aligned by adopting the schedule proposed in the PG&E November Request with respect to WQC information.

B. Aligning the WQC Schedule with the NEPA Process Remains a Reasonable and Efficient Approach

The timing and framework proposed in the PG&E November Request—and that the SWRCB supported in concept in its December Comments—would align the WQC schedule with a key milestone in the Commission's NEPA process. Under that framework, PG&E would file with the Commission a detailed schedule for submitting its WQC request to the SWRCB within 60 days after the Commission issues its Notice of Intent to Prepare an EIS or other similar NEPA notice for the Surrender Application. That schedule would be informed by the then-current status of the Commission's NEPA review, the development and implementation of relevant studies, the status of development of management plans, and any necessary engineering modifications.

This sequencing is familiar to the Commission. Under the ILP, applicants are generally required to file WQC-related materials within 60 days of the Commission's "notice of ready for

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[27] *Id.*

[28] PG&E and the SWRCB have consistently stated that they are working diligently together to ensure that PG&E's WQC request is complete and sufficient. *See* PG&E November Request at 2; SWRCB December Comments at 3. PG&E generally agrees with the SWRCB that PG&E does not presently have sufficient information to submit a complete WQC request related to decommissioning activities. PG&E, however, does not concede any point of law or fact in this filing regarding the sufficiency of information necessary to support a complete WQC request and trigger the certification deadline established in the CWA. *See* 33 U.S.C. § 1341(a)(1).

[29] Scoping Document 1 for the Potter Valley Hydroelectric Project No. 77-332 at 23, FERC Accession No. 20260522-3012 (May 22, 2026).

[30] *Id.*

environmental analysis."[31] As the SWRCB observed, the Commission's surrender regulations do not require an analogous notice, but they also do not require that WQC materials be filed "before the environmental review process begins."[32] The ILP provisions are not a legal mandate in the license surrender context, but they provide a sound policy analog: it is reasonable to coordinate the timing of WQC filings with the point at which the Commission's environmental analysis is formally underway.

Aligning the WQC schedule with the NEPA process will allow PG&E to develop and submit a WQC request that reflects more defined decommissioning details, including engineering and mitigation plans. This will facilitate the SWRCB's evaluation of the surrender proposal based on more detailed decommissioning and mitigation plans, thereby supporting its decision-making and CEQA analysis related to WQC conditions. Finally, it will also promote efficiency by reducing the likelihood that PG&E, the SWRCB, and the Commission will need to address multiple rounds of WQC amendments or supplemental filings driven by evolving decommissioning details. PG&E's point is practical: structuring the WQC timing around the Commission's NEPA milestone is a more reasonable and efficient use of resources than anchoring it to an arbitrary fixed calendar date set before the NEPA schedule and engineering refinements are known.

C. The Requested Modification Will Not Unduly Delay or Prejudice Dam Decommissioning

PG&E remains fully committed to obtaining all necessary authorizations, including WQC, as expeditiously as practicable, and decommissioning the Project works in a timely, safe, and environmentally responsible manner. The requested modification will not impede those objectives. PG&E's requested modification to the WQC deadline is narrowly tailored. PG&E is not asking the Commission to postpone WQC indefinitely. Rather, PG&E is asking for a modest procedural adjustment: to replace the June 30, 2026, date with an obligation to file, within 60 days of the Commission's NEPA notice, a detailed schedule for submitting the WQC request. That schedule will provide the Commission with visibility into the WQC process and allow the Commission, the SWRCB, and PG&E to coordinate their respective timelines in a transparent and collaborative manner.

In these circumstances, revising the Scheduling Order to restore the NEPA-triggered framework PG&E originally proposed the November Request is well within the Commission's broad discretion to manage its docket and is eminently reasonable.

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[31] 18 CFR § 5.23(b)(1).

[32] SWRCB December Comments at 2-3.

III. CONCLUSION

For the reasons discussed above, PG&E respectfully asks the Commission to extend the June 30, 2026, deadline for filing WQC information. Specifically, PG&E asks the Commission to require PG&E to file, no later than 60 days after the Commission issues its Notice of Intent to Prepare an EIS or other similar NEPA notice for the Surrender Application, a detailed schedule for submitting PG&E's WQC request to the SWRCB.

If you have any questions or comments regarding this request, please contact Tony Gigliotti, Senior License Project Manager, at (925) 357-7120 or Tony.Gigliotti@pge.com.

Sincerely,

Kimberly Ognisty
Chief Counsel
Pacific Gas and Electric Company

cc: Division of Hydropower Administration and Compliance

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding (P-77-332), in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010.

Dated at Oakland, California, this 9th day of June 2026.

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