



April 6, 2022

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

**Re: Grand River Dam Authority, FERC Project No. 1494-438;
Transmittal of Operations Model Files and Notice of Virtual Technical
Meeting**

Dear Secretary Bose:

The purpose of this letter is to provide participants in the ongoing relicensing of the Pensacola Hydroelectric Project No. 1494 (Project) access to the Operations Model that Grand River Dam Authority (GRDA) has developed as part of the Hydraulic and Hydrologic Modeling Study (H&H Study), as directed in the Federal Energy Regulatory Commission’s (Commission or FERC) Determination on Requests for Study Modifications and New Studies, issued on February 24, 2022.

By way of background, the Operations Model is one component of the H & H Study—separate and apart from the comprehensive hydraulic model (CHM)—which Commission staff approved as part of its Study Plan Determination for the Project’s relicensing on November 8, 2018.¹ As Commission staff stated in its Study Plan Determination:

The proposed H&H study is composed of two parts: (1) an operations model, and (2) a comprehensive hydraulic model (CHM), which would calculate inundation and flood routing specifics, such as frequency, timing, amplitude and duration, during inflow events for which hydrographs exist based on parameters established in the operations model.²

Commission staff’s Study Plan Determination, consistent with GRDA’s Revised Study Plan, required GRDA to make *only* the CHM available—and not the Operations Model—to relicensing participants. As stated in staff’ Study Plan Determination:

GRDA proposes to provide copies of the CHM, CHM calibration, and CHM outputs to relicensing participants within 10 days of a formal request by email or in writing. To support our request that Commission staff and other stakeholders may review and evaluate

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¹ Study Plan Determination for the Pensacola Hydroelectric Project, Project No. 1494-438 (issued Nov. 8, 2018).

² *Id.* at B-1.



the model results, we recommend that GRDA make the model, inputs, and outputs available to download on a protected cloud-based server and provide access to relicensing participants upon request³

Commission staff’s decision in its Study Plan Determination not to require GRDA to disclose the Operations Model is fully consistent with past practice and Commission precedent. GRDA proposed to use privileged and confidential Project commercial financial information in the Operations Model, which, if publicly disclosed, would risk pecuniary harm and competitive disadvantage to GRDA and its customers. Moreover, the Operations Model was designed to be a tool to guide GRDA in formulating its relicensing proposal. In these circumstances, the Commission has repeatedly held that the license applicant is not required to share information with relicensing participants or file the information on the record with the Commission.⁴ Instead of providing direct access to the Operations Model, GRDA’s Revised Study Plan, which Commission staff approved, proposed to provide a detailed reporting of the Operations Model as part of its calibration reporting and Initial Study Report, and thereby providing sufficient information to inform Commission staff and relicensing participants, without disclosing sensitive commercial information or the analytical tools that GRDA would be relying upon to develop its relicensing proposal.

Despite Commission staff’s decision in its Study Plan Determination not to require GRDA to share the Operations Model, the City of Miami, Oklahoma (City), a relicensing participant, requested access to the Operations Model. GRDA supported the City’s request—so long as it could ensure that the commercially sensitive information contained therein could be protected against public disclosure. Thus, on November 19, 2021, GRDA submitted a request for the Commission to approve a protective order that would allow GRDA to share the Operations Model with the City on a confidential basis.⁵

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³ *Id.* at B-6.

⁴ See, e.g., *Pub. Util. Dist. No. 2 of Grant County*, 97 FERC ¶ 61,346, at p. 62,216 (2001) (“[T]he licensee is not required to make publicly available those studies, analyses, or other information that would, if revealed, make known the content or deliberations concerning the existing licensee’s future relicensing proposal.”); *Pub. Util. Dist. No. 2 of Grant County*, 96 FERC ¶ 61,211, *on reh’g*, 96 FERC ¶ 61,362 (2001); *Fraser Papers, Inc.*, 91 FERC ¶ 61,032 (2000) (granting confidential treatment for data on project operating costs); *Cent. Me. Power Co.*, 72 FERC ¶ 61,118, at pp. 61,680-81 (1995) (holding that a licensee need not file with the Commission “projected future avoided costs, projected future operation and maintenance costs, and projected value of project power”); *Wis. Elec. Power Co.*, 65 FERC ¶ 61,105 (1993); *Mobile Bay Pipeline Projects*, 49 FERC ¶ 61,006, at p. 61,022 (1989) (granting privileged treatment to data that, if publicly released, would harm a party’s competitive position).

⁵ See Request for Expedious Issuance of Protective Order, Project No. 1494-438 (Nov. 19, 2021). The City supported GRDA’s request for a protective order. See Letter from Craig Gannett, Davis Wright Tremaine LLP, to Kimberly Bose, Federal Energy Regulatory Commission, Project No. 1494-438 (Nov. 19, 2021).



On January 27, 2022, the Commission denied GRDA’s request for a protective order.⁶ While not directly amending FERC staff’s prior Study Plan Determination, the January 27 order appears to assume that GRDA intended to file the Operations Model on the record—which, as explained above, it did not.⁷ On this basis, the Commission identified two alternatives for GRDA to consider:

GRDA may still request confidential treatment of its Operations Model by filing the information privileged and including a proposed form of protective agreement available to any stakeholder willing to sign it, consistent with 18 C.F.R. § 388.112 (2021). In the alternative, GRDA may consider filing the Operations Model without including the information GRDA seeks to protect, if doing so would be consistent with the Study Plan Determination requirements.⁸

In its February 24, 2022, Determination on Requests for Study Modifications and New Studies for the Pensacola Hydroelectric Project, Commission staff amplified the Commission’s January 27 order:

In the approved study plan, Commission staff required GRDA to use a cloud-based server in order to facilitate access to the large files associated with the H&H Study and address limitations of the Commission’s eLibrary filing system for transmitting such files. The purpose of this requirement was not to limit access to stakeholders; rather it was intended to facilitate information sharing. As it has done with other aspects of the CHM, GRDA must make the Operations Model, model inputs, and model outputs available for Commission staff and other stakeholders, as required by the approved study plan. As discussed above, the model and associated data must be provided within 60 days of the date of this determination.⁹

GRDA continues to be very concerned about the potential disclosure of commercially sensitive financial information that is used by the Operations Model. Therefore, in response to the Commission’s identified alternative to provide the Operations Model without the privileged and confidential information, GRDA has reformulated the Operations Model without using financial information. Instead, GRDA uses different constants that, relative to each other, are the same as the

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⁶ *Grand River Dam Auth.*, 178 FERC ¶ 61,056 (2022).

⁷ See *id.* at P 5 (explaining that “[u]nder the Commission’s regulations, a person may request that a document filed with the Commission be treated as privileged, in whole or in part”).

⁸ *Id.* P 9.

⁹ Determination on Requests for Study Modifications and New Studies for the Pensacola Hydroelectric Project at B-5 to B-6, Project No. 1494-438 (issued Feb. 24, 2022).



costing and pricing information originally included in the Operations Model—but which are not actual cost and price data. In this way, the Operations Model can maintain its accuracy as an analytical tool, but without using privileged and confidential financial information.

With this sensitive information now removed, GRDA is hereby making the Operations Model available to Commission staff and all relicensing participants, upon request. Due to the size, number, and formatting of these documents, GRDA is not filing the Operations Model on the record with the Commission. Rather, GRDA has uploaded the Operations Model—together with model input and output files—on a protected cloud-based server. All files that are associated with the Operations Model are listed in Attachment A to this letter.

All requests to obtain the Operations Model should be sent to Jacklyn Jaggars at jacklyn.jaggars@grda.com. GRDA will respond to such requests with an email-specific link that allows the requester access to the server. GRDA will seek to respond to any such requests within 3 business days.

Finally, recognizing that Commission staff and relicensing participants will be reviewing the Operations Model for the first time, GRDA as a courtesy has decided to convene a virtual technical meeting to provide an opportunity to address any questions regarding the Operations Model. This virtual technical meeting will be held on April 20, 2022, from 9AM to 12PM (Central Time). Additional information for participating in the technical meeting will be sent to relicensing participants the week of April 11, 2022.

If you have any questions, please contact Jacklyn Jaggars at jacklyn.jaggars@grda.com.

Sincerely,

Brian Edwards
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Attachment A: Operations Model File List

CC: Stakeholder Distribution List

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**Attachment A:
File List for Pensacola Project Operations Model**

00 Flood Routing RiverWare Data.xlsm	34.5 MB
00 KERR-RiverWare Validation.xlsm	48.9 MB
00 PENS-RiverWare Validation.xlsm	48.2 MB
01 Flood Routing Historic starting stage.xlsm	3.4 MB
01A KERR-Sep1993-Historic starting stage.xlsm	5.1 MB
01A PENS-Sep1993-Historic starting stage.xlsm	22.7 MB
01B KERR-Jun2004-Historic starting stage.xlsm	7.1 MB
01B PENS-Jun2004-Historic starting stage.xlsm	22.7 MB
01C KERR-Jul2007-Historic starting stage.xlsm	9.6 MB
01C PENS-Jul2007-Historic starting stage.xlsm	23.0 MB
01D KERR-Oct2009-Historic starting stage.xlsm	7.8 MB
01D PENS-Oct2009-Historic starting stage.xlsm	22.7 MB
01D-V PENS-Oct2009-USGS Gage Validation.xlsm	3.0 MB
01E KERR-Dec2015-Historic starting stage.xlsm	9.3 MB
01E PENS-Dec2015-Historic starting stage.xlsm	22.7 MB
01E-V PENS-Dec2015-USGS Gage Validation.xlsm	3.1 MB
02 Flood Routing 734 starting stage.xlsm	3.4 MB
02G PENS-100-year-734 starting stage.xlsm	23.0 MB
03 Flood Routing 740 starting stage.xlsm	3.4 MB
03G PENS-100-year-740 starting stage.xlsm	23.0 MB
04 Flood Routing 742 starting stage.xlsm	3.4 MB
04A KERR-Sep1993-742 starting stage.xlsm	9.3 MB
04A PENS-Sep1993-742 starting stage.xlsm	22.7 MB
04B KERR-Jun2004-742 starting stage.xlsm	7.1 MB
04B PENS-Jun2004-742 starting stage.xlsm	22.7 MB
04C KERR-Jul2007-742 starting stage.xlsm	9.5 MB
04C PENS-Jul2007-742 starting stage.xlsm	23.0 MB
04D KERR-Oct2009-742 starting stage.xlsm	7.1 MB
04D PENS-Oct2009-742 starting stage.xlsm	22.7 MB
04E KERR-Dec2015-742 starting stage.xlsm	9.3 MB
04E PENS-Dec2015-742 starting stage.xlsm	22.7 MB
04G KERR-100-year-742 starting stage.xlsm	9.5 MB
04G PENS-100-year-742 starting stage.xlsm	23.0 MB
05 Flood Routing 743 starting stage.xlsm	3.4 MB
05A KERR-Sep1993-743 starting stage.xlsm	9.3 MB
05A PENS-Sep1993-743 starting stage.xlsm	22.7 MB
05B KERR-Jun2004-743 starting stage.xlsm	7.1 MB
05B PENS-Jun2004-743 starting stage.xlsm	22.7 MB
05C KERR-Jul2007-743 starting stage.xlsm	9.5 MB
05C PENS-Jul2007-743 starting stage.xlsm	23.0 MB
05D KERR-Oct2009-743 starting stage.xlsm	7.1 MB

**Attachment A:
File List for Pensacola Project Operations Model**

05D PENS-Oct2009-743 starting stage.xlsm	22.7 MB
05E KERR-Dec2015-743 starting stage.xlsm	9.3 MB
05E PENS-Dec2015-743 starting stage.xlsm	22.7 MB
05G KERR-100-year-743 starting stage.xlsm	9.5 MB
05G PENS-100-year-743 starting stage.xlsm	23.0 MB
06 Flood Routing 744 starting stage.xlsm	3.4 MB
06A KERR-Sep1993-744 starting stage.xlsm	9.3 MB
06A PENS-Sep1993-744 starting stage.xlsm	22.7 MB
06B KERR-Jun2004-744 starting stage.xlsm	7.1 MB
06B PENS-Jun2004-744 starting stage.xlsm	22.7 MB
06C KERR-Jul2007-744 starting stage.xlsm	9.5 MB
06C PENS-Jul2007-744 starting stage.xlsm	23.0 MB
06D KERR-Oct2009-744 starting stage.xlsm	7.1 MB
06D PENS-Oct2009-744 starting stage.xlsm	22.7 MB
06E KERR-Dec2015-744 starting stage.xlsm	9.3 MB
06E PENS-Dec2015-744 starting stage.xlsm	22.7 MB
06G KERR-100-year-744 starting stage.xlsm	9.5 MB
06G PENS-100-year-744 starting stage.xlsm	23.0 MB
07 Flood Routing 745 starting stage.xlsm	3.4 MB
07A KERR-Sep1993-745 starting stage.xlsm	9.3 MB
07A PENS-Sep1993-745 starting stage.xlsm	22.7 MB
07B KERR-Jun2004-745 starting stage.xlsm	7.1 MB
07B PENS-Jun2004-745 starting stage.xlsm	22.7 MB
07C KERR-Jul2007-745 starting stage.xlsm	9.6 MB
07C PENS-Jul2007-745 starting stage.xlsm	23.0 MB
07D KERR-Oct2009-745 starting stage.xlsm	7.1 MB
07D PENS-Oct2009-745 starting stage.xlsm	22.7 MB
07E KERR-Dec2015-745 starting stage.xlsm	9.3 MB
07E PENS-Dec2015-745 starting stage.xlsm	22.7 MB
07G KERR-100-year-745 starting stage.xlsm	9.5 MB
07G PENS-100-year-745 starting stage.xlsm	23.0 MB
08 Flood Routing 757 starting stage.xlsm	3.4 MB
08G PENS-100-year-757 starting stage.xlsm	23.0 MB
2021-04-28 RiverWare Data Request (2).xlsx	17.8 MB
2021-04-28 RiverWare Data Request.xlsx	13.8 MB
2022-03-30 OM FRM RWM Data to Stakeholders.zip	774 MB
Ark_Por_Data.dss	256 kB
Ark_PoR.PNG	94.1 kB
CORP - Pensa December 2015.xls	520 kB
CORP - Pensa January 2016.xls	486 kB
CORP - Pensa OCT 2009.xls	565 kB
FGIB.dss	1.2 MB
Historic_Hydrographs_Compiled.xlsx	1.0 MB

**Attachment A:
File List for Pensacola Project Operations Model**

Lower_Neosho_RW.PNG	23.8 kB
Neosho_Data_Request.dss	3.2 MB
Neosho_RW.PNG	26.6 kB
PENS_Storage.xlsx	1.2 MB
RiverWare_Data.xlsm	19.5 MB
RiverWare_Time_Series.xlsx	5.3 MB
RW_Data.xlsx	7.4 MB
RW_PENS_EAC.XLSX	141 kB
RW_Time_Series_Data_FtGibson.xlsx	2.4 MB
Upper_Neosho_RW.PNG	34.2 kB