

**BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Coosa River Project

Project No. 2146

**APPLICATION FOR LICENSE
FOR MAJOR PROJECT - EXISTING DAM**

INITIAL STATEMENT

1. Alabama Power Company (APC or Applicant) applies to the Federal Energy Regulatory Commission (FERC) for a single new license for the Coosa River Project (FERC Project No. 2146), the Mitchell Dam Project (FERC Project No. 82), and the Jordan Dam Project (FERC Project No. 618), as described in the attached exhibits and draft Applicant Prepared Environmental Assessment (APEA). The Applicant requests that each of these projects (the Coosa River Project, the Mitchell Project, and the Jordan Project) be consolidated into a new Coosa River Project License as Project No. 2146.

2. The location of the Project is:

State or territory: Alabama and Georgia

County: Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton, and Elmore Counties, Alabama;
Floyd County, Georgia

Township or nearby towns: Leesburg, Cedar Bluff, Gaylesville, Centre, Sand Rock, Ragland, Rainbow City, Southside, Ohatchee, Glencoe, Gadsden, Hokes Bluff, Vincent, Pell City, Riverside, Lincoln, Alexandria, Childersburg, Harpersville, Wilsonville, Talladega Springs, Clanton, Wetumpka, Elmore, and Deatsville, Alabama; and Rome and Cave Spring, Georgia

Stream or other body of water: Coosa River

3. The exact name and business address of the applicant is:

Alabama Power Company
600 North 18th Street
P.O. Box 2641
Birmingham, AL 35291-8180

The exact name and business address of each person authorized to act as agents for the Applicant in this application are:

Mr. Jerry L. Stewart
Senior Vice President
and Senior Production Officer
Alabama Power Company
600 North 18th Street
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4. The Applicant is a domestic corporation organized under the laws of the State of Alabama and is not claiming preference under section 7(a) of the Federal Power Act. The Applicant is the existing licensee for Projects No. 2146, 82 and 618, and is seeking a new fifty (50) year license under section 15(a) of the Federal Power Act.
5. (i) & (ii) The statutory or regulatory requirements of the state in which the Project is located that may affect the Project as proposed, with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, and the steps which the Applicant has taken or plans to take to comply with each of such laws are:
- A) Alabama Power Company is required to operate and exist under the general laws of the State of Alabama regulating business corporations, codified in Title 10 of the Alabama Code of 1975. Alabama Power Company is a corporation organized and existing under the general laws

of the State of Alabama as more specifically shown in and by the certified Charter previously submitted to the Federal Power Commission (predecessor to the Federal Energy Regulatory Commission) in the application of Alabama Power Company for a license under Section 4(e) of the Federal Power Act for the Coosa River Project (Project No. 2146) filed on December 2, 1955. The Applicant, by this Charter, has the right to manufacture, supply, and sell to the public power produced by water as a motive force.

- B) Title 10, Chapter 4, Section 320 of the Alabama Code of 1975 is a source of the rights, powers, and authority of water power companies operating in Alabama. The pertinent parts of this provision are as follows:

“All corporations organized under the general laws of this state, or heretofore under a special act of the legislature, and all corporations organized under the laws of any other of the United States which have complied with the Constitution and laws of the State of Alabama as to foreign corporations and which by their charter have the right to manufacture, supply and sell to the public power produced by water as a motive force, shall, after acquiring by purchase, or otherwise than by condemnation, a dam site or power site or power site comprising not less than one acre of land upon each and opposite sides of any watercourse or after acquiring by purchase, or otherwise than by condemnation, a dam site comprising not less than one acre of land upon one side of any watercourse and, where the dam site on the other side of such watercourse is owned or controlled by the United States, shall have acquired the permission of the United States to attach or use the lock, dam or other property owned or controlled by the United States for an abutment site on the other side of such watercourse...”

As required by this Section, the Applicant has acquired by purchase and not condemnation the dam site of not less than one acre on each side of the watercourse. The Applicant, in addition to owning the dam site, as required by law, acquired and owns the land inundated.

Title 10, Chapter 4, Section 323 of the Alabama Code of 1975

states:

“Any dam erected in accordance with the provisions of this article shall be considered a dam authorized by the legislature of this state at the particular site selected and the specific height and dimensions determined upon.”

In accordance with this section, the Applicant is authorized by the laws of Alabama to operate the hydroelectric projects that are the subject of this application.

- C) Section 401(a) of the Clean Water Act of 1977, 33 U.S.C.A. Section 1341(a), requires that an applicant for a federal license to construct or operate facilities, which may result in any discharge into navigable waters, must provide the federal agency with a certificate from the state in which the discharge originates or from the appropriate interstate water pollution control agency.

In Alabama, such certificates are issued by the Alabama Department of Environmental Management (ADEM) under the general authority provided by the Alabama Water Pollution Control Act, which is codified in Title 22, Chapter 22, Section 9 of the Code of Alabama (1975).

In July 2004, APC requested a Water Quality Certification pursuant to Section 401(a) of the Clean Water Act from ADEM. On July 5, 2005, ADEM issued a Water Quality Certification for the Coosa River, Mitchell, and Jordan Projects. Additional information on the conditions of the Water Quality Certification is presented in the APEA.

6. The name and address of the owner of the existing project facilities are:

Alabama Power Company
600 North 18th Street
P.O. Box 2641
Birmingham, AL 35291-8180

None of the dams that are the subject of this application are either owned or operated by the Federal government.

**ADDITIONAL INFORMATION
REQUIRED BY 18 C.F.R. § 4.32(a)**

1. There is no person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the Project, other than the Applicant.

2. (i) Every county in which any part of the Project, and any Federal facilities that would be used by the Project, would be located:

Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton and Elmore counties, Alabama; and Floyd County, Georgia.

(ii) Every city, town, or similar local political subdivision:

A) In which any part of the Project, and any Federal facilities that would be used by the Project, would be located:

Leesburg, Centre, Cedar Bluff, Gaylesville, Rainbow City, Southside, Ohatchee, Glencoe, Gadsden, Hokes Bluff, Ragland, Riverside, Lincoln, Pell City, Childersburg, Vincent, Harpersville, Wilsonville, and Talladega Springs, Alabama

B) That has a population of 5,000 or more people and is located within 15 miles of the Project dam(s):

Gadsden, Saks, Anniston, Oxford, Southside, Glencoe, Rainbow City, Attalla, Leeds, Moody, Pell City, Talladega, Sylacauga, Clanton, Wetumpka, Millbrook, Montgomery, and Prattville, Alabama

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision:

A) In which any part of the Project, and any Federal facilities that would be used by the Project, would be located:

The Applicant is aware of no such irrigation districts, drainage districts or similar special purpose political subdivisions.

- B) That owns, operates, maintains, or uses any Project facilities or any Federal facilities that would be used by the Project:

The Applicant is aware of no such irrigation districts, drainage districts or similar special purpose political subdivisions.

- (iv) Every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, the application:

The Applicant is aware of no such political subdivisions.

- (v) All Indian tribes that may be affected by the Project:

The following tribes were provided by FERC staff as the Cultural Resources Restricted Service list for the Coosa and Warrior Relicensings:

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Alabama-Coushatta Tribe of Texas
Route 3, Box 645
Livingston, TX 77351

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Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumpka, OK 74883

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P.O. Box 332
108 N. Main Street
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P.O. Box 580
Highway 75 & Loop 56
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P.O. Box 1498
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P.O. Drawer 1210
16th and Locust
Durant, OK 74702

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P.O. Box 818
Elton, LA 70532

3. The notification requirements of 18 CFR § 4.32(a)(v) do not apply to this application because it is for a license under Section 15 of the Federal Power Act.

SUBSCRIPTION AND VERIFICATION

This application for a new license for the Coosa River Project is executed this 22nd day of July, 2005 in the State of Alabama, County of Jefferson, by Jerry L. Stewart, Senior Vice President and Senior Production Officer of Alabama Power Company, who, being duly sworn, deposes and says that the contents of this application are true and correct to the best of his knowledge and belief.

ALABAMA POWER COMPANY

Jerry L. Stewart

Subscribed and sworn to before me, a Notary Public of the State of Alabama, this

22nd day of July, 2005.

Sharon G. Pitre
Notary Public

My commission expires: 2/27/06



(SEAL)

Distribution of Application Documents

This day, the foregoing document has been mailed to each person designated on the attached Distribution List, compiled by Alabama Power Company during the course of the Coosa Relicensing Process.

Dated this 27th day of July, 2005.

B. K. Lovett

B. K. Lovett

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