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FEDERAL ENERGY
REGULATORY COMMISSION



July 26, 2001

Mr. David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: First Sixth Month Status Report on the Alternative Licensing Process for Alabama Power Company Hydroelectric Projects, FERC Nos. 2146 (Coosa River Project), 2165 (Warrior River Project), 82 (Mitchell Project), 618 (Jordan Project)
October 2000 – July 2001

Dear Mr. Boergers:

Enclosed is an original and eight (8) copies of Alabama Power Company's (APC) initial six-month status report for activities related to the relicensing of the Coosa River Project, Warrior River Project, Mitchell Project, and Jordan Project. APC filed a request to use Alternative Licensing Procedures (ALPs) on September 22, 2000, and the Federal Energy Regulatory Commission (FERC) approved APC's use of ALP for the referenced projects on January 29, 2001. As part of FERC's regulations for using alternative procedures¹, APC is required to submit a status report of the relicensing process every six months. Since APC began relicensing activities under 18 CFR §16.8 prior to receiving FERC's approval to use the ALPs, this status report also includes relicensing activities and milestones that were completed between February 2000 and January 29, 2001. Copies of all public correspondence and meeting summaries have been submitted to FERC as described in the Operating Procedures and Communications Plan.

The major categories of relicensing activities in this status report include 1) Stakeholder Consultation, 2) Consultation Activities and Issue Identification Workshops, 3) Development of Relicensing Teams, 4) Project Issues, 5) Alternative Licensing Procedures, 6) NEPA Scoping, and 7) Relicensing Website and Public Education and Outreach.

¹ Pursuant to 18 CFR §4.34(i).

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1.0 Stakeholder Consultation and Training

APC began the relicensing process by contacting federal, state, and local agencies, Non-Governmental Organizations (NGOs), and members of the public (both organized groups and individuals), to solicit support for using the ALPs.

The following are a list of specific activities completed during the past six months related to this task:

- Between February 2000 and November 2000, APC met with over thirty-four (34) federal, state, and local agency personnel, NGOs, and members of the public.
- APC included information in its *Shorelines* newsletter describing the relicensing process and asking for public participation (circulation is approximately 20,000 persons and contains all known lakefront property owners and numerous other interested persons, businesses and agencies);
- APC published a relicensing brochure which was widely distributed
- APC developed lake recreation maps and provided them to all stakeholders and the general public
- APC published notices in several local newspapers.

2.0 Consultation Activities & Issue Identification Workshops

- APC distributed the Initial Information Packages (IIP) for each project on the following dates:
 - Warrior River Project October 6, 2000
 - Coosa River Project
 - Weiss October 31, 2000
 - Henry November 10, 2000
 - Logan Martin November 7, 2000
 - Lay November 20, 2000
 - Bouldin December 15, 2000
 - Mitchell Project November 29, 2000
 - Jordan Project December 15, 2000
- APC issued press releases and public notices of Issue Identification Workshops
- APC conducted both daytime and evening Issue Identification Workshops for the Warrior and Coosa River Projects on the following dates:
 - Warrior – November 1-2, 2000, Jasper, Alabama
 - Upper Coosa – December 5-6, 2000, Gadsden, Alabama
 - Lower Coosa – December 7, 2000, Montgomery, Alabama.

3.0 *Develop a Relicensing Team*

During the Issue Identification Workshops (see above), APC asked interested parties to sign up for one or more of the following relicensing teams:

- Coosa Cooperative Relicensing Team (CCRT)
 - Coosa Recreation Resource Advisory Team (RecRAT)
 - Coosa Ecological Resource Advisory Team (EcoRAT)
- Warrior Cooperative Relicensing Team (WCRT)

The table below summarizes all relicensing team meetings to date:

Team	Date	Agenda Items	Special Presentations
CCRT RecRAT EcoRAT	April 3, 2001	Develop organizational structure; Review Issues and issue development process; Review and discuss operating procedures; Discuss relicensing schedule	
WCRT	April 4, 2001	Develop organizational structure; Review Issues and issue development process; Review and discuss operating procedures; Discuss relicensing schedule	
RecRAT EcoRAT	May 2, 2001	Review of issue statements and sheets; Review and discuss existing information for each issue; Review mission statement, ground rules, and April 4, 2001 meeting summary; Provide relicensing website update	<ul style="list-style-type: none"> • FERC process, NEPA, and FERC website – Ron McKitrick, FERC; • Recreation Inventory – Bill Campbell, EPRO; • Coosa Hydro Operations – Andy Sheppard, APC
WCRT	May 3, 2001	Review of issue statements and sheets; Review and discuss existing information for each issue; Review mission statement, ground rules, and April 4, 2001 meeting summary; Provide relicensing website update	<ul style="list-style-type: none"> • FERC process, NEPA, and FERC website – Ron McKitrick, FERC; • Recreation Inventory – Bill Campbell, EPRO; • Warrior Hydro Operations – Andy Sheppard, APC

WCRT	June 20, 2001	Review revised operating procedures; Review communications plan; Discuss NEPA scoping strategies; Discuss the structure and function of Issue Action Groups (IAG); Discuss geographic scope; Discuss specific items for issues E6, E7, E12, R1, and R8	<ul style="list-style-type: none"> • Clean Water Partnership – Jim Moore, ADEM; • APC relicensing website – Shannon Dewberry, APC • APC Aquatic Plant Management and Mosquito control programs – Scott Lankford, APC • APC Water chemistry monitoring program – Bill Garrett and Jim Lochamy
CCRT (held jointly with WCRT during the morning session)	June 20, 2001	Reviewed revised operating procedures; Review communications plan; Discuss NEPA scoping strategies	<ul style="list-style-type: none"> • Clean Water Partnership – Jim Moore, ADEM; • APC relicensing website – Shannon Dewberry, APC • APC Aquatic Plant Management and Mosquito control programs – Scott Lankford, APC • APC water chemistry monitoring program – Bill Garrett and Jim Lochamy
RecRAT EcoRAT	June 21, 2001	Review May meeting summary; Review revised operating procedures; Discuss structure and function of IAGs; Discuss geographic scope; Discuss specific items for issues E6, E7, E12, R1, and R8	<ul style="list-style-type: none"> • APC Aquatic Plant Management and Mosquito control programs – Scott Lankford, APC; • APC water chemistry monitoring program – Bill Garrett and Jim Lochamy, APC; • APC relicensing website – Jason Moak, Kleinschmidt

5.0 Project Issues

Specific information gathered during the Issue Identification Workshops (2000) were grouped into specific Issue Statements. The Issue Statements were reviewed by the Coosa RATs and the WCRT for structure, content, and focus for resolution of issue. The Teams developed Issue Sheets for each Issue Statement that include: description of the issue, specific issues and questions raised during Issue Workshops (2000), geographic scope, existing information and information needed, potential solutions, and issue resolution or recommendation.

Ecological

- Coosa EcoRAT and WCRT have each formed Issue Action Groups (IAGs) to work on the Wetlands issue and the Threatened, Endangered, and Sensitive Species issue. Also, APC is compiling information that will aide the EcoRAT and WCRT in resolving the issue of Aquatic Plant Management, Exotic Species, and Mosquito Control. To avoid duplication of effort, the Coosa EcoRAT IAGs and WCRT IAGs will coordinate efforts to resolve these issues.
- APC continues to perform several studies that the relicensing teams will use to help resolve several issues. Those ongoing/recently completed studies include:
 - Water quality monitoring in all tailraces and reservoirs
 - Mussel surveys in tailraces and other areas of the project
 - Electrofishing in the section of the Coosa River bypassed by Weiss Dam.

Recreational

- The Coosa RecRAT has formed an IAG to begin resolving the issue of Recreational Management (access, facilities and use). Also, APC is gathering information to assist the RecRAT in resolving the issue of Public Education and Information.
- The WCRT is currently gathering additional information on the issue of existing Recreational Facilities. Also, the WCRT will coordinate with the Coosa RecRAT on the Public Education and Information issue.

6.0 *Alternative Licensing Procedures*

The primary activities related to the ALP are listed below.

- APC filed a “Request to use Alternative Licensing Procedures” with the Commission on September 22, 2000.
- FERC issued Notice Approving APC’s Use of Alternative Licensing Procedures on January 29, 2001.
- Operating Procedures and a Communications Plan for both the Coosa and Warrior relicensings have been finalized by the Teams and are included as an Appendix to this letter.

7.0 *NEPA Scoping*

Based on its relicensing activities to date, APC feels it has satisfied the most important NEPA scoping requirement – issue identification. As such, APC is interested in helping FERC satisfy the statutory requirements of NEPA while avoiding duplication of previous efforts (i.e. Issue Identification Workshops). APC has solicited input from the

relicensing teams on how the statutory NEPA scoping requirements can be satisfied. APC has identified and will work with several interested stakeholders, in coordination with FERC, to develop a practical approach to satisfying these requirements.

8.0 Relicensing Website

APC has developed a website, which will facilitate the dissemination of relicensing information to stakeholders, the general public, and FERC. The web address for this site is:

<http://www.southerncompany.com/alpower/hydro/>

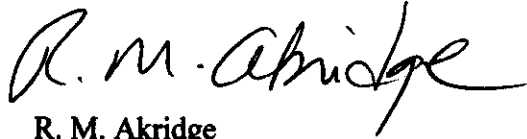
This website contains information related to every aspect of the Coosa-Warrior relicensing. All documents generated as part of the relicensing process will be placed on the site in Adobe Acrobat PDF format to allow anyone with an Internet connection a way to view and print these documents. APC feels that this site will prove invaluable as the process progresses.

The following is a list of major items of interest on the website:

- Relicensing Process
 - FERC relicensing
 - NEPA scoping
 - Alabama Power Cooperative Approach
 - Resource Advisory Teams
- Public Information File lists and request instructions
- Coosa and Warrior Project Information
 - Operations descriptions for all developments
 - ALP request and approval letters
 - Initial Information Packages
 - Mission Statements (WCRT, CCRT, and Coosa RATs)
 - Team information
 - Meeting packages (pre-meeting mailouts)
 - Meeting summaries
 - News/Press releases
 - Calendar of Events
- Contact information
 - APC
 - FERC
 - WCRT, CCRT, and Coosa RAT member lists

If you have any questions, please contact Jim Crew at (215) 257-4265 or Barry Lovett at (205) 257-1268.

Very Truly Yours,

A handwritten signature in black ink that reads "R. M. Akridge". The signature is written in a cursive style with a long, sweeping tail on the "e".

R. M. Akridge
Manager
APC Hydro Licensing

APPENDIX

- A1 – A13 Operating Procedures for the Relicensing of the Coosa River
Hydroelectric Developments
- A14 – A25 Operating Procedures for the Relicensing of the Warrior River
Hydroelectric Project
- A26 – A29 Communications Plan for the Relicensing of the Coosa and Warrior River
Hydroelectric Projects

**Operating Procedures for
the Relicensing of the
Coosa River Hydroelectric Developments
FERC Projects 2146, 82, 618**

The following Team Operating Procedures (OPs) are intended to facilitate communications and cooperation among Alabama Power Company (APC), the Resource Advisory Teams (RATs), the Coosa Cooperative Relicensing Team (CCRT), and the Federal Energy Regulatory Commission (FERC) during preparation of APC's license application and Preliminary Draft Environmental Assessment (PDEA) for the relicensing of the Coosa River hydroelectric developments (Weiss, N. Henry, Logan Martin, Lay, Mitchell, Bouldin, and Jordan) pursuant to 18 C.F.R. 4.34(i). These OPs will be filed with FERC as a supplement to the Communications Plan filed with FERC, as part of APC's request to use FERC's Alternative Licensing Procedures (ALP), on September 22, 2000.

Why Guidelines are Needed

This relicensing process will be complex and lengthy. There will be numerous meetings and discussions held over the next few years to identify and subsequently resolve project issues. There are also many stakeholders (*i.e.*, a person or group with a "stake" or interest in the outcome of the relicensing process) interested in working with APC to resolve these project issues, and some of the contact personnel for each stakeholder group may change during the process. Without guidelines, the process of conducting meetings efficiently and effectively, keeping the focus on resolving issues, and ensuring consistency during the length of the process will be difficult to achieve. Spending some time during the initial meetings to complete these procedures will save much time and possible confusion in the future. Since the process is a lengthy effort, these procedures are a framework and can be amended as the process develops when there is consensus among the Team to make changes.

Items Covered in the Operating Procedures

The following items are included in the OPs:

1. the relicensing mission statement;
2. structure and function of CCRT and RATs;
3. agency mandates;
4. meeting ground rules, meeting locations and logistics;
5. rules for the media and observers; and
6. procedures for making recommendations and addressing disputes; and
7. the communications plan.

A description of each item is discussed in detail below.

1.0 Relicensing Mission Statement

A mission statement is the “vision” or goal of a group. It is usually developed at the beginning of a process or activity and serves as a guidepost for keeping a group focused on why they are working together and what they are trying to accomplish. The following is the mission statement for the Coosa development relicensing.

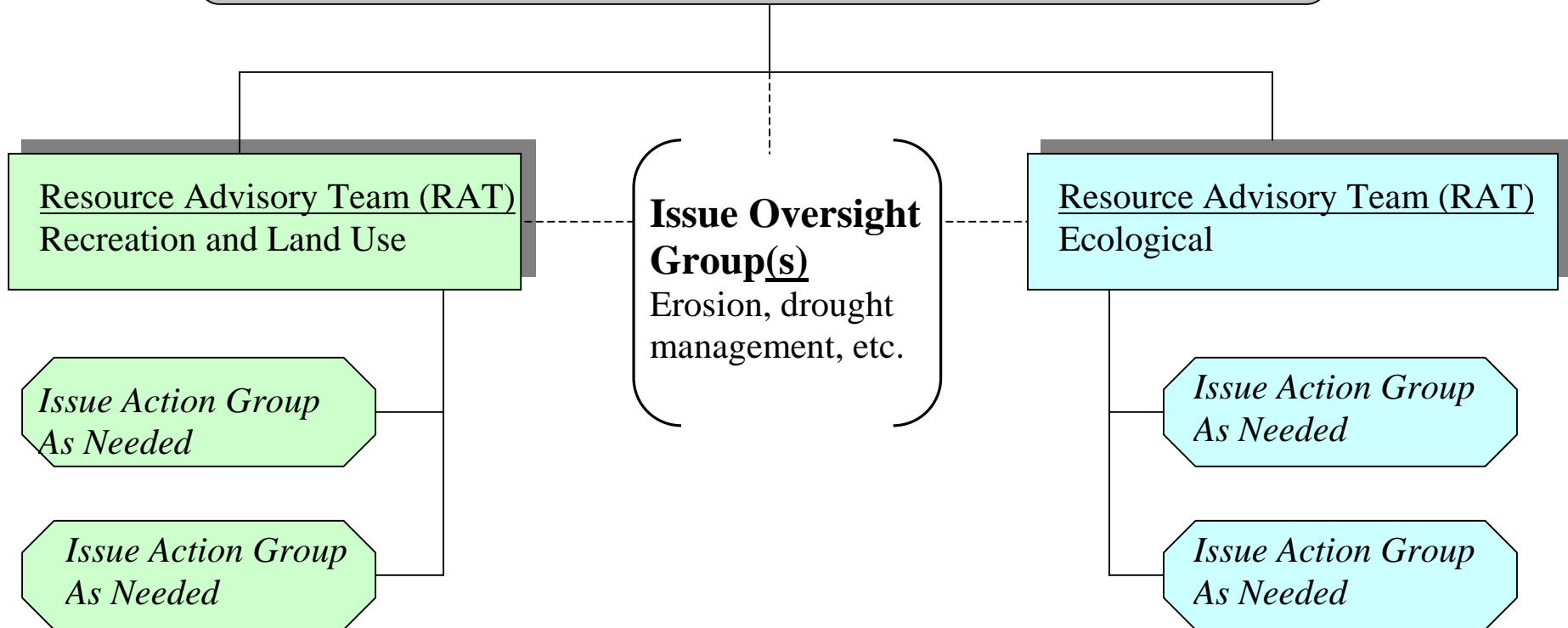
1.1 Mission statement

“In relicensing seven hydroelectric developments on the Coosa River, pursuant to the regulations of the Federal Energy Regulatory Commission’s (FERC) Alternative Licensing Procedures, Alabama Power Company (APC) is pursuing a license that balances the benefits of developmental (*e.g.*, power generation, flood control, system reliability, water users, *etc.*) and non-developmental resources (*e.g.*, ecological and recreational, *etc.*). Stakeholders, including APC, are committed to working together to resolve issues in a manner that gives equal consideration to the developmental and non-developmental resources and will present the resolved issues to the FERC in 2005. Resolution of project issues will support a timely license issuance leading to the efficient and on going communication and implementation of protection, enhancement, and mitigation measures agreed to by APC and the stakeholders.”

2.0 Structure and Function of the CCRT and RATs

The CCRT and RATs are comprised of interested stakeholders who are committed to working with each other and with APC to identify project issues and to develop recommendations for resolving the issues. The CCRT and RAT stakeholders include APC, state and federal agencies, non-governmental organizations, home owner and boat owner groups, and private citizens who all share a concern for the resources of the projects. Based on information presented during the Issues Identification Workshops, there will be a Plenary Group (CCRT) that will be responsible for providing oversight and direction on resource issues, address process issues and provide a forum for further discussion and consensus; a smaller team that will focus on resolution of ecological issues (Ecological RAT); a smaller team that will focus on resolution of recreation issues (Recreation and Land Use RAT); Issue Action Groups (IAGs) that may be formed to address specific issues, as necessary; and Issue Oversight Groups (IOGs) that may be formed to address overlapping resource issue areas (see Figure 1).

Coosa Cooperative Relicensing Team (CCRT)



2.1 Mission Statement for RATs and CCRT

As described above, each RAT and the CCRT may find it advantageous to have a mission statement to provide a framework for their goals and objectives. The following are mission statements for the CCRT and RATs.

“The mission of the Coosa Cooperative Relicensing Team (CCRT) is to provide a forum for discussing and resolving key issues related to relicensing of the Coosa River Project, Mitchell and Jordan Projects. The CCRT will focus on development of consensus-based recommendations regarding resource balancing and serve as the primary forum for any negotiated agreements.”

“The mission of the Coosa Resource Advisory Teams (RATs) is to identify resource specific issues, perform necessary studies, and develop a range of reasonable alternatives associated with the Coosa River, Mitchell, and Jordan Projects. The RAT’s goal is to develop consensus recommendations for resolving these issues. The RATs will serve as subcommittees to the CCRT.”

2.2 Role and Responsibility of Resource Advisory Teams (RATs)

- Define and understand issues
- Determine study needs/scopes
- Negotiate in good faith
- Develop recommendations for resolving issues

2.3 Role and Responsibility of CCRT

- Forum for discussion and consensus
- Balancing
- Process Review / Taskmaster

2.4 Role and Responsibility of Issue Action Group(s) (IAG)

- Form as needed to address very specific issues
- Develop workplans to include work tasks, deliverables, and schedule
- Complete Issue Sheets
- Develop study scopes and study plans
- Provide recommendations to RAT
- Number of CCRT and RAT members on an IAG may vary depending on issue, but should be approximately 5 to 7 team members

2.5 Role and Responsibility of Issue Oversight Group(s)

- Address issues that overlap the RATs
- Maintain consistency
- Provide recommendations to RATs for resolving conflicts

2.6 Team and Group Composition - CCRT and RATs

Many different groups and individuals are represented on the RATs and CCRT. To facilitate participation and effectiveness of the group to make decisions, each entity should select a primary spokesperson or representative and an alternate that will be able to speak for the organization or group, act in good faith, and will be responsible for disseminating information to their respective group or organization.

The group or organization will strive to maintain consistency in its participation on the RATs and CCRT. When the primary person can not attend or otherwise participate in meetings, etc., the alternate spokesperson will participate.

The following lists the composition of the RATs, CCRT, IAGs, and Issue Oversight Groups.

CCRT and RATs

- Facilitator
- APC Staff
- FERC staff
- Federal Resource Agencies
- State Resource Agencies
- Non-Governmental Organizations
- Homeowners Associations
- Individuals

Issue Action Group(s) Composition (approximately 5-7 individuals)

- Facilitator
- APC staff
- Representatives from the respective RATs

Issue Oversight Group(s) Composition

- Facilitator
- Representatives from the Ecological RAT
- Representatives from the Recreation RAT

2.7 Facilitation

Each team or group will have a facilitator. The facilitator's primary role is to manage the process, enforce the operating guidelines and ground rules, and work with all participants to build consensus and meet the goals of the process. For the CCRT and RATs, APC will select and fund a neutral facilitator. Facilitators for the IAGs will also be provided by APC. Other responsibilities of the facilitators include:

- Develop draft agendas
- Set and enforce deadlines
- Coordinate meetings of the CCRT, RATs, IAGs and other groups
- Moderate meetings
- Provide guidance on substance and process
- Enforce ground rules and operating guidelines
- Prepare meeting summaries
- Track action items
- Keep the group focused on its goals
- Ask questions to clarify
- Ensure that meetings are conducted fairly, with opportunity for participation by all

If a team member at any time during the process feels that the facilitator is not being effective in performing his/her responsibilities, the team member should raise the issue with APC and the other team members. APC will discuss the problems with the other team members and the facilitator(s). If selection of another facilitator is the recommended action, team members will have an opportunity to provide input to APC on the selection of a facilitator(s).

2.8 Communication

Communications will be governed based on the Communications Plan filed with FERC on September 22, 2000. Communications include written correspondence, e-mails, and individual and conference telephone calls. Another form of communication will include information posted on the APC Relicensing Website. Communications will take place according to participation in the process – EcoRAT, RecRAT, and CCRT. Each of the team members at each respective level will be included or informed of communications made during the relicensing process. The idea is to keep the lines of communication open during the relicensing process and make it easy for relicensing participants and the general public to get information.

3.0 Agency Mandates

While some CCRT and RAT members represent non-governmental organizations, home owner and boat owner associations, as well as local entities, some of the CCRT and RAT members represent federal, state and local resource agencies with specific mandates stipulated by federal and state law. It is important that all stakeholders understand the statutory responsibility of these team

members in order to have constructive dialogue and to recognize the authority by which they participate in the process. Below we list each of the federal, state and local resource agencies with mandates requiring participation in this relicensing process.

- Federal Energy Regulatory Commission (FERC)
- U.S. Department of Interior – Fish and Wildlife Service (FWS)
- U.S. Department of Commerce – National Marine Fisheries Service (NMFS)
- U.S. Department of Interior – National Park Service (NPS)
- U.S. Department of the Army – U.S. Corps of Engineers (ACOE)
- U.S. Environmental Protection Agency (EPA)
- U.S. Geological Survey (USGS)
- Alabama Department of Environmental Management (ADEM)
- Alabama Department of Conservation and Natural Resources (ADCNR)
- Alabama State Historic Preservation Officer (SHPO)
- Alabama Department of Economics and Community Affairs (ADECA)
- Alabama Public Service Commission (APSC)
- Georgia Department of Natural Resources (GDNR)
- Georgia Environmental Protection Division (GEPD)
- Georgia State Historic Preservation Officer (GA SHPO)

4.0 Meeting Ground Rules, Locations and Logistics

Ground rules are developed and used to govern procedural matters for the CCRT and RATs and IAGs during the relicensing process. These ground rules shall have no effect upon the substantive statutory rights or obligations of any participant. Repeated infractions of the ground rules listed below may result in the request that the person find a replacement to participate in the process. The following are Team ground rules.

- Listen and respect others' opinions
- No talking when others are talking
- Stay focused on the issues - No "grandstanding"
- Be courteous – no personal attacks
- Be prepared for meetings or other activities
- Commit to working to resolve disagreements
- Leave baggage (old disputes) at the door
- Act in good faith
- Begin and end meetings on time
- Allow adequate breaks during meetings
- To the extent possible, please turn cell phones off

4.1 Meeting Locations and Schedule

APC recognizes that the Coosa River developments span over 100 river miles and that there are many groups and individuals that want to participate in the process. APC

desires to work with stakeholders to develop a schedule that includes the most practical location and meeting times to accommodate the majority of participants.

The RATs and CCRT will meet according to a schedule to be determined by the team members. In general, meetings will be held at least 4 to 6 times per year and more frequently as needed to resolve issues. The Team will determine the dates of future meetings at least three months in advance wherever possible. The Team recognizes that a three-month schedule is probably not feasible for the IAGs which may meet on a weekly basis during the relicensing process.

During the April 3, 2001 Coosa Relicensing Team meeting, team members voiced their preference for a central meeting location and one that would be convenient, to the extent possible, for team members who also serve on the Warrior Cooperative Relicensing Team (WCRT). The preferred meeting location is Birmingham, with occasional meetings, as needed, at specific areas in the basin.

Team meetings are also scheduled for September and December 2001. APC will provide, to the extent possible, a calendar of proposed dates for 2001 and subsequent CCRT and RAT meetings at least three months in advance.

In general, meetings will be held between the hours of 8:30 a.m. and 4:00 p.m. Every effort will be made to begin and end meetings on time. Lunch will be provided and adequate breaks will occur during the meetings.

APC may also provide, on a case-by-case basis for emergency or extenuating circumstances, telephone conference calling access for the CCRT or RAT meetings. In general however, APC discourages the use of telephone conference calls for large group meetings, as it tends to distract from the overall quality and efficiency of the discussion. APC does encourage the use of telephone conference calls for IAG meetings, as those groups will be comprised of much smaller membership and will meet on a more frequent basis.

4.2 Meeting Procedures

- 1) APC will notify all team members at least two weeks in advance of the next planned meeting. At that time a meeting agenda and anticipated meeting schedule will be provided. APC will also distribute any documents or other information that will be the subject of meeting discussions.
- 2) CCRT and RAT members agree to RSVP to APC upon receipt of the meeting notice so that meeting facility and lunch arrangements can be appropriately planned. Team members agree to attempt to attend all meetings or to appoint an alternate representative to attend if possible.
- 3) Team members also agree to review all documents provided prior to the meeting in order to come to the meeting prepared to fully discuss issues on the meeting

agenda. Team members agree to be prepared to discuss issues within their area of interest and expertise.

- 4) All team members shall arrive for the meetings on time.

4.3 General Administrative Rules

- 1) All meetings will be planned for a fixed time duration and every effort will be made to begin and end meetings on time.
- 2) Facilitators will be used to ensure that the meetings are conducted in an effective and expeditious manner.
- 3) APC will have a designated notetaker at each CCRT and RAT meeting. Meeting notes will be taken by APC and draft meeting summaries will be prepared by APC and distributed to team members three weeks following the meeting. Team members will have two weeks to comment / correct errors in the summary and notify APC of any changes. The prior meeting's summary will be reviewed and formally approved at the next team meeting.
- 4) **Parking Lot** - During the course of this relicensing process many issues, comments, and topics will be raised by CCRT, WCRT and RAT members. All team member input is important to this relicensing process and will be considered and addressed. Due to time constraints of each meeting and to ensure efficient and successful meetings, the agenda for each meeting will be followed closely. However, APC realizes that some non-agenda topics will be raised at the meetings and will need to be addressed somewhere in the process. Understanding the importance of recording and addressing these items at a subsequent meeting, APC intends to list such items in a "parking lot" system. Items in the "parking lot" will be incorporated into future meeting agendas and may also be discussed by IAGs between meetings. Team members may send items for the "parking lot" by fax, electronic or hard copy mail, or telephone call, to Viki Jenkins between meetings or team members may raise items for the "parking lot" at the meeting. Any fax, electronic or hard copy mail should be clearly labeled as "Parking Lot Items, Ideas or Comments".
- 5) **Procedures for New Team Members** - To ensure a successful ALP, APC attempted to contact all potentially interested parties, including federal, state and local agencies, non-governmental organizations, and home and boat owners between October 1999 and March 2001. APC also conducted six "Issue Identification Workshops" in November and December of 2000 to further identify potentially interested parties and recognize their interests in the relicensing of the projects. From this public outreach process, APC formed the WCRT and CCRT, the RATs, and identified three levels of stakeholder participation. Since participating on a Team involves actively attending multiple

meetings and promptly responding to document review and comment, APC further developed these three participation levels so that all stakeholders could be involved, to varying degrees, in the relicensing process.

Tier 1 participation includes those individuals who actively participate on one or more of the relicensing teams (WCRT, CCRT, or RAT). A *Tier 1* commitment involves regular attendance at meetings and active review and comment on varying relicensing documents.

Tiers 2 and 3 include individuals who are interested in receiving various mailings but are not members of one of the relicensing teams and do not usually attend meetings. *Tier 2* individuals receive a majority of the relicensing documents, including study plans, study reports, FERC notices, etc. *Tier 3* stakeholders receive only FERC Notices and major relicensing milestone documents (such as the Initial Information Packages, NEPA Scoping Document, and draft and final license applications and NEPA documents). *Tier 2 and 3* stakeholders may provide comments in writing or in person by attending relicensing team meetings. When attending meetings, *Tier 2 and 3* members will have an opportunity to discuss their comments or raise an item for the “parking lot” at an appropriate time as designated in the meeting agenda.

APC invites and encourages, at anytime during this process, all interested parties to participate on any level of the relicensing of the Coosa and Warrior Projects. In order to become a *Tier 2 or 3* stakeholder, an individual should contact Viki Jenkins to be added to the mailing list. Since *Tier 1* stakeholders have made long-term commitments of time and energy with the goal of reaching consensus on the issues, a different procedure is to be followed for individuals to become *Tier 1* members, as described below. This process will also be used for those *Tier 1* members who miss more than one scheduled meeting.

Stakeholders who are interested in participating on the CCRT, WCRT or RATs and who wish to actively attend team meetings must review several work products and Team guidelines prior to attending their first meeting. These items include the Operating Procedures, Ground Rules, Communication Plan, Issue Sheets, process information, relevant study plans/reports and agreements, and Team decisions and outcomes to date. Since Teams are responsible for maintaining progress and enforcing previous agreements, new *Tier 1* members must:

- ❑ follow all agreements regarding the process and all work performed to date,
- ❑ agree to encourage and maintain the continuity and forward progress of the Team(s), and
- ❑ respect decisions made by *Tier 1* members in attendance at the previous meetings, all of which are crucial to the timely resolution of issues.

Items that have been discussed and resolved by the Teams will not be renegotiated with the new team member during a meeting.

To obtain all relevant documents, new members should contact Viki Jenkins. Documents will be sent to new members and arrangements will be made to discuss those documents, including specific items and overall intent, with the new *Tier 1* member **prior** to attending a meeting. APC will also assist the new *Tier 1* member by providing a list of other *Tier 1* members who may be contacted to provide an update of the process and to discuss any specific resource issues that may have been previously discussed, including a status of resolution.

The following is the process for new *Tier 1* participants.

- Person wishes to become a *Tier 1* stakeholder and contacts APC (Viki Jenkins).
- APC sends *Tier 1* stakeholder all relevant process documents, including Final Operating Procedures, Communication Plan, Ground Rules, Issue Sheets, and all other final documents as well as those that are in progress. The new *Tier 1* stakeholder must review all documents prior to their first Team meeting. If he/she has any questions or comments, he/she must contact APC or other *Tier 1* members prior to attending the next scheduled meeting.
- APC also sends a list of other *Tier 1* team members as contacts for the new *Tier 1* member.
- The stakeholder confirms with APC their intent to participate in the relicensing at the *Tier 1* level.

This procedure is not designed to discourage including new stakeholders in the relicensing process. Rather, the goal of this procedure is to respect the efforts and decision making of the Teams and to ensure timely resolution of the issues and preparation and completion of a Draft Environmental Assessment and license application by July 2005.

5.0 Rules for Media and Observers

During the process, the media and other persons or groups may desire to attend a CCRT or RAT meeting. The meetings will be open to the public but as observers only. Time will be reserved at each meeting to take questions and comments from persons attending meetings as observers. If a person wishes to participate at the level required by the Teams and agrees to abide by the OPs, they may request to APC and the Teams to become a CCRT or RAT member (see Procedures for New Team Members Section 4.3)

CCRT and RAT members will not use the media as a place to discuss positions and views of other members. All news releases to the media will be coordinated through the CCRT. Negotiations and information shared at the CCRT and RATs should be considered confidential to the Team and its members.

6.0 Procedures for Making Recommendations

As discussed throughout these OPs, the CCRT and RATs function in an advisory capacity to APC in relicensing the Coosa River developments. APC must file a license application and APEA in 2005. While advisory in nature, APC intends to encourage and promote consensus-based decisions regarding proposals and recommendations for protection, enhancement and mitigation measures.

For purposes of this cooperative alternative licensing process, consensus is defined as agreement by all, some of whom can “live with” the decision while others might agree in total.

The following describes the procedures for making recommendations within the CCRT and RATs.

- 1) RAT members discuss issue and all existing information.
- 2) Members discuss alternatives and propose an action
- 3) Any active participant or the facilitator can propose a recommendation related to any procedural or technical matter.
- 4) Members provide information to support their proposed recommendation.
- 5) Any participant has the right to participate in the decision and the team member(s) or facilitator can postpone a decision if it is felt that other team members should be present.
- 6) If action items are identified, a list should include the team member(s) responsible for the action item and a schedule for completing a specific action or task.
- 7) Determine if there is consensus (agreement by all as defined above) or disagreement
- 8) If consensus exists, the decision will be documented and included in the final license application, NEPA document and if appropriate any formal agreements.
- 9) If there is disagreement, the team member(s) should state their disagreement and the reasons for the disagreement and have it recorded in the meeting summary.
- 10) Items that were disagreed upon will be recorded and kept by the facilitator for reconsideration at an appropriate point in the process.
- 11) Attempt to resolve disputes, if necessary first by compromise and good faith efforts, recognizing that each team member might not find the resulting decision to be their preferred decision but the rather the decision is in the best interest of the Team.
- 12) If a dispute still exists, every effort will be made to use other informal conflict resolution techniques, including, but not limited to, expert panels, technical experts, mediation by the facilitator, etc.
- 13) If a dispute still exists, APC—with the team members’ input—will evaluate the use of formal dispute resolution techniques and services such as a third party mediator and FERC’s Office of Alternative Dispute Resolution.

- 14) If consensus is not reached in the CCRT and RATs, and options for dispute resolution have not resulted in agreement, the issue and options for resolving the issue as well as alternatives will be forwarded to APC for discussion and inclusion in the PDEA.
- 15) Recommendations for resolution are encouraged at both the RAT and IAG levels. These recommendations will be coordinated and consolidated at the CCRT into overall resolutions and recommendations.

The process of reaching consensus on the issues and the preferred option for the license applications and NEPA documents must occur within a statutory time frame. One stakeholder's disagreement with one or more aspects of the preferred option or settlement will not negate the efforts and agreement by the other team members.

7.0 Other Items

7.1 Termination of Alternative Licensing Process

If any member of the CCRT or RAT wishes to terminate use of the alternative licensing process, he/she may submit a request to do so by following the procedures set forth in 18 C.F.R. §4.34(i)(7). The departure of one or more members of this relicensing process does not end the process for APC and other members that choose to continue participation. APC also has the right to discontinue the ALP process after consultation with FERC. This is not anticipated and APC is committed to fulfilling its obligations in this ALP process and negotiate in good faith with relicensing team members.

7.2 Submission to the FERC of the Operating Procedures

These OPs will be submitted to the FERC and included as part of the official record.

7.3 Duration of the Relicensing Team

Consistent with the FERC regulations, the CCRT and RATs will operate only until the license applications and APEAs are filed, at which time the CCRT and RAT will dissolve. Thereafter, unless otherwise agreed to by the CCRT and RAT, if there is a need for continued settlement discussions, and the continuing parties want to utilize the prior procedures, the procedures must be re-executed by the continuing parties.

**Operating Procedures for
the Relicensing of the
Warrior River Hydroelectric Project
FERC Project 2165**

The following Team Operating Procedures (OPs) are intended to facilitate communications and cooperation among Alabama Power Company (APC), the Warrior Cooperative Relicensing Team (WCRT) and the Federal Energy Regulatory Commission (FERC) during preparation of APC's license application and Preliminary Draft Environmental Assessment (PDEA) for the relicensing of the Warrior River hydroelectric project (Smith and Bankhead developments) pursuant to 18 C.F.R. 4.34(i). These OPs will be filed with FERC as a supplement to the Communications Plan filed with FERC, as part of APC's request to use FERC's Alternative Licensing Procedures (ALP), on September 22, 2000.

Why Guidelines are Needed

This relicensing process will be complex and lengthy. There will be numerous meetings and discussions held over the next few years to identify and subsequently resolve project issues. There are also many stakeholders (*i.e.*, a person or group with a "stake" or interest in the outcome of the relicensing process) interested in working with APC to resolve these project issues, and some of the contact personnel for each stakeholder group may change during the process. Without guidelines, the process of conducting meetings efficiently and effectively, keeping the focus on resolving issues, and ensuring consistency during the length of the process will be difficult to achieve. Spending some time during the initial meetings to complete these procedures will save much time and possible confusion in the future. Since the process is a lengthy effort, these procedures are a framework and can be amended as the process develops when there is consensus among the Team to make changes.

Items Covered in the Operating Procedures

The following items are included in the OPs:

1. the relicensing mission statement;
2. structure and function of the WCRT;
3. agency mandates;
4. meeting ground rules, meeting locations and logistics;
5. rules for the media and observers;
6. procedures for making recommendations and addressing disputes; and
7. the communications plan.

A description of each item is discussed in detail below.

1.0 Relicensing Mission Statement

A mission statement is the “vision” or goal of a group. It is usually developed at the beginning of a process or activity and serves as a guidepost for keeping a group focused on why they are working together and what they are trying to accomplish. The following is the mission statement for the Warrior Project relicensing.

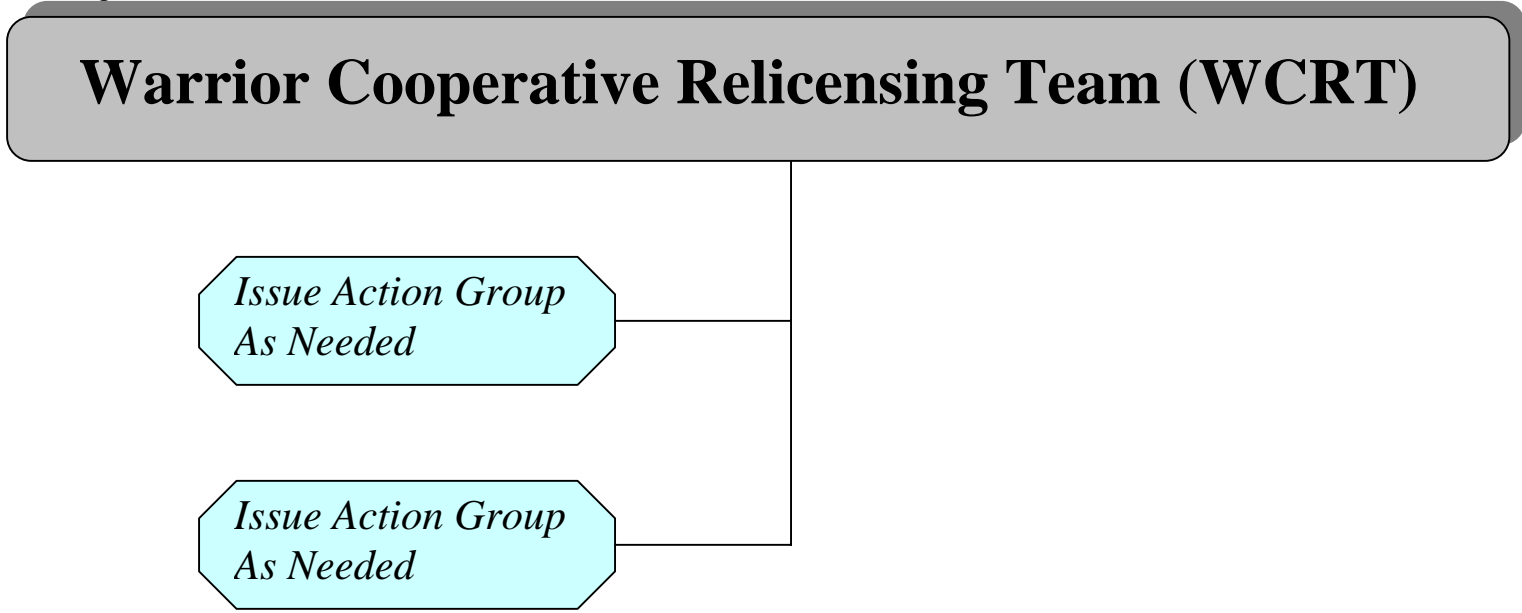
1.1 Mission statement

“In relicensing the Warrior River Project on the Warrior River, pursuant to the Federal Energy Regulatory Commission’s (FERC) Alternative Licensing Procedures regulations, Alabama Power Company (APC) is pursuing a license that balances the benefits of developmental (*e.g.*, power generation, flood control, system reliability, water users, etc.) and non-developmental resources (*e.g.*, ecological and recreational, etc.). Stakeholders, including APC, are committed to working together to resolve issues in a manner that gives equal consideration to the developmental and non-developmental resources and will present the resolved issues to the FERC in 2005. Resolution of project issues will support a timely license issuance leading to the efficient and on-going communication and implementation of protection, enhancement and mitigation measures agreed to by APC and the stakeholders.”

2.0 Structure and Function of the WCRT

The WCRT is comprised of interested stakeholders who are committed to working with each other and with APC to identify project issues and to develop recommendations for resolving the issues. The WCRT stakeholders include APC, state and federal agencies, non-governmental organizations, home owner and boat owner groups, and private citizens who all share a concern for the resources of the projects. Based on information presented during the Issues Identification Workshops, the WCRT will focus on ecological and recreational issues at the project, with Issue Action Groups (IAGs) that may be formed to address specific issues, as necessary (see Figure 1).

Figure 1



2.1 Mission Statement for the WCRT

As described above, the WCRT may find it advantageous to have a mission statement to provide a framework for its goals and objectives. The following is the mission statement for the WCRT.

“The mission of the Warrior Cooperative Relicensing Team (WCRT) is to provide a forum for discussing and resolving key issues related to relicensing of the Warrior River Project. The WCRT will focus on development of consensus-based recommendations regarding resource balancing and serve as the primary forum for any negotiated agreements.”

2.2 Role and Responsibility of the Warrior Cooperative Relicensing Team (WCRT)

- Define and understand issues
- Determine study needs/scopes
- Negotiate in good faith
- Develop recommendations for resolving issues
- Forum for discussion and consensus
- Balancing
- Process Review / Taskmaster

2.3 Role and Responsibility of Issue Action Group(s)

- Form as needed to address very specific issues
- Develop workplans to include work tasks, deliverables and schedule
- Complete Issue Sheets
- Develop study scopes and study plans
- Provide recommendations to WCRT
- Number of WCRT members on an issue action group may vary depending on issue but should be approximately 5-7 team members.

2.4 Team and Group Composition - WCRT

Many different groups and individuals are represented on the WCRT. To facilitate participation and effectiveness of the group to make decisions, each entity should select a primary spokesperson or representative and an alternate that will be able to speak for the organization or group, act in good faith, and will be responsible for disseminating information to their respective group or organization.

The group or organization will strive to maintain consistency in its participation on the WCRT. When the primary person can not attend or otherwise participate in meetings, etc., the alternate spokesperson will participate.

The following lists the composition of the WCRT and the IAGs.

WCRT

- Facilitator
- APC Staff
- FERC staff
- Federal Resource Agencies
- State Resource Agencies
- Non-Governmental Organizations
- Homeowners Associations
- Individuals

Issue Action Group(s) Composition (approximately 5-7 individuals)

- Facilitator
- APC staff
- Representatives from the WCRT

2.5 Facilitation

Each team or group will have a facilitator. The facilitator's primary role is to manage the process, enforce the operating guidelines and ground rules, and work with all participants to build consensus and meet the goals of the process. For the WCRT, APC will select and fund a neutral facilitator. Facilitators for the IAGs will also be provided by APC. Other responsibilities of the facilitators include:

- Develop draft agendas
- Set and enforce deadlines
- Coordinate meetings of the WCRT and IAGs
- Moderate meetings
- Provide guidance on substance and process
- Enforce ground rules and operating guidelines
- Prepare meeting summaries
- Track action items
- Keep the group focused on its goals
- Ask questions to clarify
- Ensure that meetings are conducted fairly, with opportunity for participation by all

If a team member at any time during the process feels that the facilitator is not being effective in performing his/her responsibilities, the team member should raise the issue with APC and the other team members. APC will discuss the problems with the other team members and the facilitator(s). If selection of another facilitator is the recommended action, team members will have an opportunity to provide input to APC on the selection of a facilitator(s).

2.6 Communication

Communications will be governed based on the Communications Plan filed with FERC on September 22, 2000. Communications include written correspondence, e-mails, and individual and conference telephone calls. Another form of communication will include information posted on the APC Relicensing Website. Communications will take place according to participation in the process. Each of the team members at each respective level will be included or informed of communications made during the relicensing process. The idea is to keep the lines of communication open during the relicensing process and make it easy for relicensing participants and the general public to get information.

3.0 Agency Mandates

Some of the WCRT members represent federal, state and local resource agencies with specific mandates stipulated by federal and state law. Other WCRT members represent non governmental organizations, homeowner and boat owner associations, as well as local entities. It is important that all stakeholders understand the statutory responsibility of these team members in order to have constructive dialogue and to recognize the authority by which they participate in the process. Below we list each of the federal, state and local resource agencies with mandates requiring participation in this relicensing process.

- Federal Energy Regulatory Commission (FERC)
- U.S. Department of Agriculture – Forest Service (USFS)
- U.S. Department of Interior – Fish and Wildlife Service (FWS)
- U.S. Department of Commerce – National Marine Fisheries Service (NMFS)
- U.S. Department of Interior – National Park Service (NPS)
- U.S. Department of the Army – U.S. Corps of Engineers (ACOE)
- U.S. Environmental Protection Agency (EPA)
- U.S. Geological Survey (USGS)
- Alabama Department of Environmental Management (ADEM)
- Alabama Department of Conservation and Natural Resources (ADCNR)
- Alabama State Historic Preservation Officer (SHPO)
- Alabama Department of Economic and Community Affairs (ADECA)
- Alabama Public Service Commission (APSC)

4.0 Meeting Ground Rules, Locations and Logistics

Ground rules are developed and used to govern procedural matters for the WCRT and IAGs during the relicensing process. These ground rules shall have no effect upon the substantive statutory rights or obligations of any participant. Repeated infractions of the ground rules listed below may result in the request that the person find a replacement to participate in the process. The following are Team ground rules.

- Listen and respect others' opinions
- No talking when others are talking

- Stay focused on the issues - No “grandstanding”
- Be courteous – no personal attacks
- Be prepared for meetings or other activities
- Commit to working to resolve disagreements
- Leave baggage (old disputes) at the door
- Act in good faith
- Begin and end meetings on time
- Allow adequate breaks during meetings
- To the extent possible, please turn cell phones off

4.1 Meeting Locations and Schedule

APC recognizes that there are many groups and individuals that want to participate in the process. APC desires to work with stakeholders to develop a schedule that includes the most practical location and meeting times to accommodate the majority of participants.

The WCRT will meet according to a schedule to be determined by the team members. In general, meetings will be held at least 4 to 6 times per year and more frequently as needed to resolve issues. The Team will determine the dates of future meetings at least three months in advance wherever possible. The Team recognizes that a three-month schedule is probably not feasible for the IAGs which may meet on a weekly basis during the relicensing process.

During the April 4, 2001 WCRT meeting, team members voiced their preference for a central meeting location and one that would be convenient, to the extent possible, for team members who also serve on the Coosa Relicensing Teams. The preferred meeting location is Birmingham, with occasional meetings, as needed, at the Warrior Project.

Team meetings are also scheduled for September and December 2001. APC will provide, to the extent possible, a calendar of proposed dates for 2001 and subsequent WCRT meetings at least three months in advance.

In general, meetings will be held between the hours of 8:30 a.m. and 4:00 p.m. Every effort will be made to begin and end meetings on time. Lunch will be provided and adequate breaks will occur during the meetings.

APC may also provide, on a case-by-case basis for emergency or extenuating circumstances, telephone conference calling access for the WCRT meetings. In general however, APC discourages the use of telephone conference calls for large group meetings, as it tends to distract from the overall quality and efficiency of the discussion. APC does encourage the use of telephone conference calls for IAG meetings, as those groups will be comprised of much smaller membership and will meet on a more frequent basis.

4.2 Meeting Procedures

- 1) APC will notify all team members at least two weeks in advance of the next planned meeting. At that time a meeting agenda and anticipated meeting schedule will be provided. APC will also distribute any documents or other information that will be the subject of meeting discussions.
- 2) WCRT members agree to RSVP to APC upon receipt of the meeting notice so that meeting facility and lunch arrangements can be appropriately planned. Team members agree to attempt to attend all meetings or to appoint an alternate representative to attend if possible.
- 3) Team members also agree to review all documents provided prior to the meeting in order to come to the meeting prepared to fully discuss issues on the meeting agenda. Team members agree to be prepared to discuss issues within their area of interest and expertise.
- 4) All team members shall arrive for the meetings on time.

4.3 General Administrative Rules

- 1) All meetings will be planned for a fixed time duration and every effort will be made to begin and end meetings on time.
- 2) Facilitators will be used to ensure that the meetings are conducted in an effective and expeditious manner.
- 3) APC will have a designated notetaker at each WCRT meeting. Meeting notes will be taken by APC and draft meeting summaries will be prepared by APC and distributed to team members three weeks following the meeting. Team members will have two weeks to comment / correct errors in the summary and notify APC of any changes. The prior meeting's summary will be reviewed and formally approved at the next Team meeting.
- 4) **Parking Lot** - During the course of this relicensing process many issues, comments, and topics will be raised by CCRT, WCRT and RAT members. All team member input is important to this relicensing process and will be considered and addressed. Due to time constraints of each meeting and to ensure efficient and successful meetings, the agenda for each meeting will be followed closely. However, APC realizes that some non-agenda topics will be raised at the meetings and will need to be addressed somewhere in the process. Understanding the importance of recording and addressing these items at a subsequent meeting, APC intends to list such items in a "parking lot" system. Items in the "parking lot" will be incorporated into future meeting agendas and may also be discussed by IAGs between meetings. Team members may send

items for the “parking lot” by fax, electronic or hard copy mail, or telephone call, to Viki Jenkins between meetings or team members may raise items for the “parking lot” at the meeting. Any fax, electronic or hard copy mail should be clearly labeled as “Parking Lot Items, Ideas or Comments”.

- 5) **Procedures for New Team Members** - To ensure a successful ALP, APC attempted to contact all potentially interested parties, including federal, state and local agencies, non-governmental organizations, and home and boat owners between October 1999 and March 2001. APC also conducted six “Issue Identification Workshops” in November and December of 2000 to further identify potentially interested parties and recognize their interests in the relicensing of the projects. From this public outreach process, APC formed the WCRT and CCRT, the RATs, and identified three levels of stakeholder participation. Since participating on a Team involves actively attending multiple meetings and promptly responding to document review and comment, APC further developed these three participation levels so that all stakeholders could be involved, to varying degrees, in the relicensing process.

Tier 1 participation includes those individuals who actively participate on one or more of the relicensing Teams (WCRT, CCRT, or RAT). A *Tier 1* commitment involves regular attendance at meetings and active review and comment on varying relicensing documents.

Tiers 2 and 3 include individuals who are interested in receiving various mailings but are not members of one of the relicensing Teams and do not usually attend meetings. *Tier 2* individuals receive a majority of the relicensing documents, including study plans, study reports, FERC notices, etc. *Tier 3* stakeholders receive only FERC Notices and major relicensing milestone documents (such as the Initial Information Packages, NEPA Scoping Document, and draft and final license applications and NEPA documents). *Tier 2 and 3* stakeholders may provide comments in writing or in person by attending relicensing Team meetings. When attending meetings, *Tier 2 and 3* members will have an opportunity to discuss their comments or raise an item for the “parking lot” at an appropriate time as designated in the meeting agenda.

APC invites and encourages, at anytime during this process, all interested parties to participate on any level of the relicensing of the Coosa and Warrior Projects. In order to become a *Tier 2 or 3* stakeholder, an individual should contact Viki Jenkins to be added to the mailing list. Since *Tier 1* stakeholders have made long-term commitments of time and energy with the goal of reaching consensus on the issues, a different procedure is to be followed for individuals to become *Tier 1* members, as described below. This process will also be used for those *Tier 1* members who miss more than one scheduled meeting.

Stakeholders who are interested in participating on the CCRT, WCRT or RATs and who wish to actively attend Team meetings must review several work

products and Team guidelines prior to attending their first meeting. These items include the Operating Procedures, Ground Rules, Communication Plan, Issue Sheets, process information, relevant study plans/reports and agreements, and Team decisions and outcomes to date. Since Teams are responsible for maintaining progress and enforcing previous agreements, new *Tier 1* members must:

- ❑ follow all agreements regarding the process and all work performed to date,
- ❑ agree to encourage and maintain the continuity and forward progress of the Team(s), and
- ❑ respect decisions made by *Tier 1* members in attendance at the previous meetings, all of which are crucial to the timely resolution of issues.

Items that have been discussed and resolved by the Teams will not be renegotiated with the new team member during a meeting.

To obtain all relevant documents, new members should contact Viki Jenkins. Documents will be sent to new members and arrangements will be made to discuss those documents, including specific items and overall intent, with the new *Tier 1* member **prior** to attending a meeting. APC will also assist the new *Tier 1* member by providing a list of other *Tier 1* members who may be contacted to provide an update of the process and to discuss any specific resource issues that may have been previously discussed, including a status of resolution.

The following is the process for new *Tier 1* participants.

- ❑ Person wishes to become a *Tier 1* stakeholder and contacts APC (Viki Jenkins).
- ❑ APC sends Tier 1 stakeholder all relevant process documents, including Final Operating Procedures, Communication Plan, Ground Rules, Issue Sheets, and all other final documents as well as those that are in progress. The new *Tier 1* stakeholder must review all documents prior to their first Team meeting. If he/she has any questions or comments, he/she must contact APC or other *Tier 1* members prior to attending the next scheduled meeting.
- ❑ APC also sends a list of other *Tier 1* team members as contacts for the new *Tier 1* member.
- ❑ The stakeholder confirms with APC their intent to participate in the relicensing at the *Tier 1* level.

This procedure is not designed to discourage including new stakeholders in the relicensing process. Rather, the goal of this procedure is to respect the efforts and decision making of the Teams and to ensure timely resolution of the

issues and preparation and completion of a Draft Environmental Assessment and license application by July 2005.

5.0 Rules for Media and Observers

During the process, the media and other persons or groups may desire to attend a WCRT meeting. The meetings will be open to the public but as observers only. Time will be reserved at each meeting to take questions and comments from persons attending meetings as observers. If a person wishes to participate at the level required by the teams and agrees to abide by the OP, they may request to APC and the team members to become a WCRT member (See Procedures for New Team Members Section 4.3).

WCRT members will not use the media as a place to discuss positions and views of other members. All news releases to the media will be coordinated through the WCRT. Negotiations and information shared with the WCRT should be considered confidential to the Team and its members.

6.0 Procedures for Making Recommendations

As discussed throughout these OPs, the WCRT will function in an advisory capacity to APC in relicensing the Warrior River Projects. APC must file a license application and APEA in 2005. While advisory in nature, APC intends to encourage and promote consensus-based decisions regarding proposals and recommendations for protection, enhancement and mitigation measures.

For purposes of this cooperative alternative licensing process, consensus is defined as agreement by all, some of whom can “live with” the decision while others might agree in total.

The following describes the procedures for proposing recommendations within the WCRT.

- 1) WCRT members discuss issue and all existing information.
- 2) Members discuss alternatives and propose an action.
- 3) Any active participant or the facilitator can propose a recommendation related to any procedural or technical matter.
- 4) Members provide information to support their proposed recommendation.
- 5) Any participant has the right to participate in the decision and the team member(s) or facilitator can postpone a decision if it is felt that other team members should be present.
- 6) If action items are identified, a list should include the team member(s) responsible for the action item and a schedule for completing a specific action or task.
- 7) Determine if there is consensus (agreement by all as defined above) or disagreement
- 8) If consensus exists, the decision will be documented and included in the final license application, NEPA document and if appropriate any formal agreements.
- 9) If there is disagreement, the team member(s) should state their disagreement and the reasons for the disagreement and have it recorded in the meeting summary.
- 10) Items that were disagreed upon will be recorded and kept by the facilitator for reconsideration at an appropriate point in the process.

- 11) Attempt to resolve disputes, if necessary first by compromise and good faith efforts, recognizing that each team member might not find the resulting decision to be their preferred decision but the rather the decision is in the best interest of the Team.
- 12) If a dispute still exists, every effort will be made to use other informal conflict resolution techniques, including, but not limited to, expert panels, technical experts, mediation by the facilitator, etc.
- 13) If a dispute still exists, APC—with the team members' input—will evaluate the use of formal dispute resolution techniques and services such as a third party mediator and FERC's Office of Alternative Dispute Resolution.
- 14) If consensus is not reached in the WCRT, and options for dispute resolution have not resulted in agreement, the issue and options for resolving the issue as well as alternatives will be forwarded to APC for discussion and inclusion in the PDEA.

The process of reaching consensus on the issues and the preferred option for the license applications and NEPA documents must occur within a statutory time frame. One stakeholder's disagreement with one or more aspects of the preferred option or settlement will not negate the efforts and agreement by the other team members.

7.0 Other Items

7.1 Termination of Alternative Licensing Process

If any member of the WCRT wishes to terminate use of the alternative licensing process, he/she may submit a request to do so by following the procedures set forth in 18 C.F.R. §4.34(i)(7). The departure of one or more members of this relicensing process does not end the process for APC and other members that choose to continue participation. APC also has the right to discontinue the ALP process after consultation with FERC. This is not anticipated and APC is committed to fulfilling its obligations in this ALP process and negotiate in good faith with relicensing team members.

7.2 Submission to the FERC of the Operating Procedures

These OPs will be submitted to the FERC and included as part of the official record.

7.3 Duration of the Relicensing Team

Consistent with the FERC regulations, the WCRT will operate only until the license applications and APEAs are filed, at which time the WCRT will dissolve. Thereafter, unless otherwise agreed to by the WCRT, if there is a need for continued settlement discussions, and the continuing parties want to utilize the prior procedures, the procedures must be re-executed by the continuing parties.

**COMMUNICATIONS PLAN
FOR THE
COOSA AND WARRIOR RIVER HYDROELECTRIC PROJECTS
(FERC Nos. 2146, 82, 618, and 2165)**

Introduction

This Communications Plan describes how Alabama Power Company (APC) will document, and make available, communications during the pre-filing consultation process for the relicensing of the Coosa River Hydroelectric Project (Weiss, Henry, Logan Martin, Lay and Bouldin developments - FERC No. 2146), Mitchell Project (FERC No. 82), and Jordan Project (FERC No. 618), and the Warrior River Hydroelectric Project (Smith and Bankhead developments, FERC No. 2165). These hydroelectric projects will be referred to throughout this document collectively as the "Coosa-Warrior Projects". The purpose of this plan is to govern how APC will make communications (including written, oral, and electronic mail documents) accessible to participants in the relicensing process. This plan specifically discusses APC and the Federal Energy Regulatory Commission's (FERC) public files, proper formats for filing comments and briefly describes future communication and operating procedures that will be developed with the Resource Advisory Teams and Cooperative Relicensing Teams.

APC anticipates filing Resource Advisory Team and Cooperative Relicensing Team Operating Procedures, which may include, but not be limited to ground rules, meeting schedules, decision making and dispute resolution processes, with the FERC and stakeholders during 2001.

Background

The existing licenses for the Projects expire on July 31, 2007 (Coosa River Projects) and August 31, 2007 (Warrior River Project). APC internally developed the Coosa Warrior Relicensing Team (CWRT) to address all procedural and technical issues related to the relicensing of the Projects. The CWRT developed the Alabama Power Cooperative Approach (APCA), which combines the requirements of the National Environmental Policy Act (NEPA) of 1969 with relicensing activities in the pre-filing consultation period of the relicensing process, consistent with FERC's regulations at 18 CFR 4.34 (i). Specifically, the CWRT's goals are to work cooperatively

with the stakeholders to scope issues and studies, and to resolve resource issues in order to protect and enhance the Projects' economic, environmental and recreational resources. Beginning in February 2000 through December 2000, the CWRT contacted federal, state, and local resource agencies, Non Governmental Organizations (NGOs), and members of the public to participate in the APCA

APC and FERC's Public Reference File

To provide access to communications, two public reference files are maintained in the following locations:

Alabama Power Company 600 North 18 th Street Hydro Licensing – 16 th Floor Birmingham, AL 35291	Federal Energy Regulatory Commission Public Reference Room, Room 2-A 888 First Street, N.E. Washington, D.C. 20426
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The relicensing public reference file at APC will include copies of all written correspondence, telephone contact sheets (oral communications), meeting minutes, study plans, study reports, and other documents that are filed with FERC. FERC's public reference file will include the six-month progress reports referencing the items in APC's public reference file, the Initial Information Packages (IIP), Scoping Documents, and the draft license applications and preliminary draft applicant prepared environmental assessments (APEAs). Upon filing the final license applications with FERC (on or before July 21, 2005), APC will include a list of the major milestone documents (*e.g.*, IIPs, scoping documents, study reports, draft license applications) that are located in their public file.

All documents in APC's public reference file are available for public review by contacting Viki Jenkins, Alabama Power Company, 600 North 18th Street, 16N-8180, Birmingham, AL; Telephone: 205-257-2211; Fax: 205-257-1596; E-mail vrjenkin@southernco.com. A list of all documents available in the public reference file is available through the APC Website at <http://www.southerncompany.com/alpower/hydro/publicinfo.asp>.

Copies of documents can be requested. Single copies of documents up to ten pages in length will be copied free of charge. Documents in excess of ten pages or multiple copies of documents will be charged at a rate of \$0.10/page.

FERC's public reference file may be viewed on the web at: www.ferc.fed.us/online/rims.html. Contact FERC at (202) 208-2222, if you need assistance using the web site. Hard copies are available from FERC at the cost of \$.10/page and may be obtained by writing or faxing your request to the Public Reference Room: FAX (202) 208-2320.

Filing Written Communications with FERC

In order for written comments to be included in the public record for the Projects, an original and eight (8) copies must be sent to Mr. David P. Boergers, Secretary of the Commission, Public Reference Room 2-A, 888 First Street, N.E., Washington, D.C. 20426. At present, the Commission will not accept any electronic filing for its docketed records (*i.e.*, electronic mail files must be submitted into the public record as paper copies), including the public reference file, without specific waiver of the filing regulations.

A copy of any material submitted to FERC must also be sent to APC, specifically to Mr. R.M. Akridge, Alabama Power Company, 600 North 18th Street, 16N-8180, Birmingham, AL. 35291. The copy will be placed in APC's public reference file.

All written communication for the Coosa River Projects must have the following clearly displayed on the first page:

**COOSA RIVER HYDROELECTRIC PROJECTS-
WEISS, HENRY, LOGAN MARTIN, LAY AND BOULDIN
(FERC No. 2146)**

All written communication for the Mitchell Project must have the following clearly displayed on the first page:

MITCHELL HYDROELECTRIC PROJECT (FERC NO. 82)

All written communication for the Jordan Project must have the following clearly displayed on the first page:

JORDAN HYDROELECTRIC PROJECT (FERC NO. 618)

All written communication for the Warrior River Projects must have the following clearly displayed on the first page:

**WARRIOR RIVER HYDROELECTRIC PROJECTS-
SMITH AND BANKHEAD (FERC No. 2165)**

Written Documentation from APC

Progress Reports: APC will prepare a progress report beginning six months following FERC's notice approving APC's use of FERC's alternative licensing procedures. The six-month progress reports summarize the relicensing activities and correspondence during that six-month period and will be filed with FERC and placed in APC's public reference file.

Agreement to the Protocol

The entities and individuals that are expected to participate during the APCA have reviewed this Communication Plan for the Coosa Warrior Projects relicensing process and agree to the contents herein.