

**NOTIFICATION OF INTENT
TO FILE APPLICATION FOR NEW LICENSE
ROCKY MOUNTAIN PUMPED STORAGE HYDROELECTRIC PROJECT
(FERC No. 2725)
OGLETHORPE POWER CORPORATION**

DECEMBER 2021

Pursuant to 18 CFR Section (§) 5.5 of the Federal Energy Regulatory Commission's (Commission or FERC) regulations, co-licensees Oglethorpe Power Corporation (An Electric Membership Corporation) (OPC), Georgia Power Company (GPC), Rocky Mountain Leasing Corporation (RMLC), and U.S. Bank National Association hereby give notification of their intent to apply for a new license for the Rocky Mountain Pumped Storage Hydroelectric Project (Rocky Mountain Project, Project) (FERC No. 2725) located in Floyd County, Georgia.

The following information regarding the Rocky Mountain Project is provided in accordance with 18 CFR. § 5.5(b) and §16.6(b):

18 CFR § 5.5(b)(1) The existing licensee's name and address.

OPC, GPC, RMLC, and U.S. Bank National Association (as owner trustee) are co-licensees for the Rocky Mountain Project.¹ OPC owns a 74.61 percent undivided interest in the Project and GPC owns the remaining 25.39 percent undivided interest. The "Joint Participation Agreement" by and between OPC and GPC appoints OPC as agent with the sole authority and responsibility for, among other things, the planning, licensing, design, control, construction, maintenance, and disposal of the Project.

The co-licensees' names and addresses are:

Oglethorpe Power Corporation
c/o Mr. James A. Messersmith
Senior Vice President of Plant Operations
2100 East Exchange Place
Tucker, GA 30084

ATTN: Mr. Craig A. Jones, PhD
Director of Environmental Policy
Relicensing Project Manager

¹ The Federal Power Commission (now FERC) issued an original major license to GPC for the Rocky Mountain Project, FERC Project No. 2725 (Project), on January 21, 1977. The 50-year license became effective January 1, 1977. *See Georgia Power Co.*, 57 F.P.C. 368, *order on reh'g*, 59 F.P.C. 744 (1977). By order issued January 28, 1988, FERC approved the addition of OPC as co-licensee to facilitate financing and construction of the Project. 42 FERC ¶ 62,060 (1988). By order dated December 24, 1996, FERC approved the addition of Fleet National Bank (as owner trustee), SunTrust Bank, Atlanta (as owner trustee), and Rocky Mountain Leasing Corporation (RMLC) as co-licensees to facilitate a sale and leaseback financing transaction. 77 FERC ¶ 62,193 (1996). On June 25, 2014, FERC approved partial transfer of the license to OPC, Georgia Power Company, RMLC, and U.S. Bank National Association (as owner trustee), as co-licensees. 147 FERC ¶ 62,228 (2014).

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Georgia Power Company
c/o Herbie N. Johnson
Hydro General Manager
Southern Company Generation
Bin 10193
241 Ralph McGill Boulevard NE
Atlanta, GA 30308-3374

Rocky Mountain Leasing Corporation
2100 East Exchange Place
Tucker, GA 30084

U.S. Bank National Association,
as Trustee under the Indenture identified below
Attention: Global Corporate Trust
1349 West Peachtree Street, NW
Suite 1050, Two Midtown Plaza
Atlanta, Georgia 30309

18 CFR § 5.5(b)(2) The project number.

The FERC project number is 2725.

18 CFR § 5.5(b)(3) The license expiration date.

The license expiration date is December 31, 2026.

18 CFR § 5.5(b)(4) An unequivocal statement of the existing licensee's intention to file an application for a new license.

OPC on behalf of the co-licensees hereby unequivocally declares its intention to apply for a new license for the Rocky Mountain Project, FERC Project Number 2725. OPC will file an application for a new power license with the Commission before December 31, 2024.

OPC hereby requests Commission approval to use the Traditional Licensing Process (TLP) for the relicensing of the Rocky Mountain Project in accordance with the Commission's consultation requirements at 18 CFR § 16.8. Pursuant to 18 CFR § 5.3(c)(1)(ii), OPC believes that use of the TLP will be in the best interest of the Commission and all parties in pursuing and achieving the goals of efficient, thorough, and fair consideration of all relicensing matters:

- **Likelihood of timely license issuance:** OPC believes that using the TLP will provide local, state, and federal agencies with manageable timeframes, allowing flexibility in scheduling which can reduce time demands, and ultimately will assist FERC in achieving

its goal of issuing a timely license for this Project. For the reasons detailed below, OPC does not anticipate that the relicensing will present complex or controversial resource issues requiring FERC's Integrated Licensing Process (ILP).

- **Complexity of the resource issues and level of anticipated controversy:** As described in the Pre-Application Document (PAD), the Rocky Mountain Project is located on small headwater tributary streams. The watershed area of Heath Creek upstream of the Main Dam, which includes the Lower Reservoir and the Auxiliary Pools, is about 16.6 square miles. The Upper Reservoir sits atop a mountain and has no natural watersheds upstream. The Project releases a downstream minimum flow, and previous field studies have indicated that Heath Creek downstream of the Project maintains biotic integrity supportive of its designated fishing use. No federally listed threatened or endangered species, or their designated critical habitats, are presently known to occur within the project boundary or in Heath Creek downstream of the Project. The Lower and Upper Reservoirs are not managed for public fisheries use, nor is public fishing allowed. The Auxiliary Pools are contained within the Rocky Mountain Recreation and Public Fishing Area (Rocky Mountain PFA), which the Georgia Department of Natural Resources (GDNR) Wildlife Resources Division manages and operates through an agreement with OPC for quality public fishing and recreational opportunities. For these reasons, OPC does not anticipate a high level of complexity and controversy regarding resource issues during the relicensing process. In addition, the absence of private landowners around the project shorelines further minimizes the potential for controversy.
- **Relative cost of the traditional process compared to the integrated process:** OPC fully expects material cost savings for all participants through the use of the TLP rather than the ILP due to stakeholders' existing familiarity with the Project, specifically that of GDNR, and the substantial amount of available resource information and data, which will help to limit the scope and costs of new studies. OPC also believes the more flexible schedule of the TLP will allow for the completion of the license application in less time, and therefore, lower cost than the ILP.
- **The amount of available information and potential for significant disputes over studies:** There is a wealth of information available on the existing environment in the vicinity of the Project, as presented in the PAD. OPC has implemented pre-PAD consultation with GDNR, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the Georgia Department of Community Affairs' Historic Preservation Division, and Floyd County, including the distribution of a PAD questionnaire. This early consultation has allowed OPC to identify areas where additional resource information is needed to characterize the existing environment and evaluate potential project effects. In response, OPC has developed preliminary study plans in the PAD that address those needs, including an aquatic resources study that includes field surveys for fish and mussels, a recreational use analysis, a cultural resources assessment, and others. The success of these early efforts in advancing study plan development diminishes the potential for significant disputes over studies.

- **Other factors believed by the applicant to be pertinent:** Due to OPC's close relationship with GDNR in managing the recreation, fisheries, and wildlife resources of the Rocky Mountain PFA, OPC expects to be able to implement a successful pre-filing consultation process at Rocky Mountain through the use of the TLP. In addition, OPC consulted with state and federal agencies on OPC's intent to request the use of the TLP, and no objections were raised during those discussions. Given all of the factors discussed above, OPC strongly believes the TLP to be the most appropriate means to obtain a new license for the Project.

18 CFR § 5.5(b)(5) The type of principal project works licensed, such as dam and reservoir, powerhouse, or transmission lines.

The Rocky Mountain Project structures include: 1) a 221-acre upper reservoir; 2) a 600-acre lower reservoir; 3) two auxiliary pools totaling 600 acres; 4) a three-unit powerhouse; 5) three 230-kV transmission lines comprising a total of 1.5 miles, known as the Primary Transmission Line; and 6) a substation located 1.5 miles from the powerhouse and access road, and appurtenant facilities.²

18 CFR § 5.5(b)(6) The location of the project by state, county, and stream, and, when appropriate, by city or nearby city.

The Project is located in Floyd County, Georgia, on Heath Creek approximately 10 miles northwest of the city of Rome, Georgia.

18 CFR § 5.5(b)(7) The installed plant capacity.

The Project has an authorized installed generating capacity of 904 megawatts (MW).

² Both the substation, which is commonly referred to as the "Switching Station" of the Project, and the three 230-kV transmission lines comprising a total of approximately 1.5 miles, which is commonly referred to as the "Primary Transmission Line" of the Project, should be removed from the principal project works. The substation and transmission lines have been part of Georgia's Integrated Transmission System (ITS) since 1994. The ITS is a 17,800+ mile network of integrated transmission assets almost exclusively located in the State of Georgia wherein each asset is individually owned, but all transmission assets are jointly planned and operated for the benefit of all of the ITS's participating transmission owners. The ITS provides its participants nearly statewide transmission access while eliminating the need for multiple private transmission contracts or access fees. Since the substation and the transmission lines are part of the ITS, all participants in the ITS have the right to utilize the substation and the transmission lines as part of the state's integrated transmission system, regardless of the Project's status. OPC will be proposing in the license application that both the substation and the transmission lines be removed as project works.

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18 CFR § 5.5(b)(8) The names and mailing addresses of:

- (i) Every county in which any part of the project is located, and in which any Federal facility that is used or to be used by the project is located.**

County	Contact	Mailing Address
Floyd County	Jamie McCord, County Manager	12 East 4 th Avenue Rome, GA 30161 706-291-5111 mccordj@floydcountyga.org

- (ii)(A) Every city, town, or similar political subdivision in which any part of the project is or is to be located and any Federal facility that is or is to be used by the project is located.**

The Rocky Mountain Project is not located within any city or town limits.

- (ii)(B) Every city, town, or similar political subdivision that has a population of 5,000 or more people and is located within 15 miles of the existing or proposed project dam.**

City/Town	Contact	Mailing Address
City of Rome (Floyd County)	Mayor Craig McDaniel	601 Broad Street Rome, GA 30162 cmcdaniel@romeomega.us
City of Summerville (Chattooga County)	Mayor Harry Harvey	120 Georgia Avenue Summerville, GA 30747 706-506-1892 hharvey@summervillega.org

- (iii)(A) Every irrigation district, drainage district, or similar special purpose political subdivision in which any part of the project is or is proposed to be located and any Federal facility that is or is to be used by the project is located.**

Political Subdivision	Contact	Mailing Address
Georgia Soil and Water Conservation Commission	Jason Winters, Commission Member, Region 1	4310 Lexington Road Athens, GA 30605 706-552-4470 gaswcc.swcd@gaswcc.ga.gov

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Political Subdivision	Contact	Mailing Address
Coosa-North Georgia Water Planning District	James Capp, Branch Chief, Watershed Protection Branch	Georgia Department of Natural Resources, Environmental Protection Division 2 Martin Luther King, Jr. Dr. Suite 1152 East Atlanta, GA 30334 404-463-4911 James.Capp@dnr.state.ga.us

(iii)(B) Every irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, and maintains, or uses any project facility or any Federal facility that is or is proposed to be used by the project.

Political Subdivision	Contact	Mailing Address
Rocky Mountain Recreation and Public Fishing Area (PFA)	Dennis Shiley, Park Manager	Georgia Department of Natural Resources 4054 Big Texas Valley Road, NW Rome, GA 30165 706-802-5087 Dennis.Shiley@dnr.state.ga.us

(iv) Every other political subdivision in the general area of the project that there is reason to believe would be likely to be interested in, or affected by, the notification.

OPC knows of no other political subdivisions in the general area of the Project likely to be interested in, or affected by, the notification.

(v) Affected Indian Tribes:

The following table lists Indian Tribes that may have an interest in the relicensing of the Rocky Mountain Project. On April 8, 2021, the Federal Energy Regulatory Commission invited these Indian Tribes to participate in the relicensing of the Project. In January 2021, OPC distributed a PAD questionnaire to all but two of these Indian Tribes, informing them of the approaching relicensing proceeding and inquiring about their interests. At this time, it is unclear whether any Indian Tribes will be affected by the notification.

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Indian Tribe	Contact	Mailing Address
Alabama-Coushatta Tribe of Texas	Tribal Council Chairwoman Cecilia Flores	Alabama-Coushatta Tribe of Texas 571 State Park Road 56 Livingston, TX 77351
Alabama-Quassarte Tribal Town	Chief Nelson Harjo	Alabama-Quassarte Tribal Town P.O. Box 187 Wetumka, OK 74883
Cherokee Nation	Principal Chief Chuck Hoskin, Jr.	Cherokee Nation P.O. Box 948 Tahlequah, OK 74465-0948
Coushatta Tribe of Louisiana	Tribal Chairman David Sickey	Coushatta Tribe of Louisiana P.O. Box 818 Elton, LA 70532
Eastern Band of Cherokee Indians	Principal Chief Richard Sneed	Eastern Band of Cherokee Indians P.O. Box 1927 Cherokee, NC 28719
Eastern Shawnee Tribe of Oklahoma	Chief Glenna Wallace	Eastern Shawnee Tribe of Oklahoma 12755 S. 705 Road Wyandotte, OK 74370
Kialegee Tribal Town	Town King Brian Givens	Kialegee Tribal Town P.O. Box 332 Wetumka, OK 74883-0332
Muscogee (Creek) Nation	Principal Chief David Hill	Muscogee (Creek) Nation P.O. Box 580 Okmulgee, OK 74447
Poarch Band of Creek Indians	Chairwoman Stephanie Bryan	Poarch Band of Creek Indians 5811 Jack Springs Road Atmore, AL 36502
Seminole Nation of Oklahoma	THPO Theodore Isham	Seminole Nation of Oklahoma P.O. Box 1498 Wewoka, OK 74884
Seminole Tribe of Florida	Chairman Marcellus Osceola, Jr.	Seminole Tribe of Florida 6300 Stirling Road Hollywood, FL 33024
Thlopthlocco Tribal Town	Town King Ryan Morrow	Thlopthlocco Tribal Town P.O. Box 188 Okemah, OK 74859
United Keetoowah Band of Cherokee	Chief Joe Bunch	United Keetoowah Band of Cherokee P.O. Box 746 Tahlequah, OK 74465

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The location or locations of all the sites where information required under 18 CFR § 5.2 and §16.7 is available to the public.

The information required to be made available to the public under 18 CFR § 5.2 and §16.7 is located at:

Location	Address
OPC Headquarters	Oglethorpe Power Corporation 2100 East Exchange Place Tucker, GA 30084