

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

Authorizations for Certain Post-Licensing )  
Activities at Hydroelectric Projects )

Docket No. RM26-3-000

**COMMENTS OF THE  
BUSINESS COUNCIL FOR SUSTAINABLE ENERGY**

On November 20, 2025, the Federal Energy Regulatory Commission (FERC or Commission) issued a Notice of Inquiry (NOI) regarding post-licensing activities at hydroelectric projects.<sup>1</sup> The NOI invites comments on whether certain activities can be implemented without case-specific authorization from the Commission under Part I of the Federal Power Act (FPA) and what changes, if any, the Commission should make to its processes for reviewing and authorizing post-licensing activities at hydropower facilities, including maintenance, repairs, and upgrades to hydropower project infrastructure. The Business Council for Sustainable Energy (“BCSE” or “Coalition”) appreciates the Commission’s interest in streamlining and improving the process for licensees to undertake post-licensing activities at non-federal hydroelectric projects and the opportunity to provide the following comments on this important issue.

BCSE is a coalition of companies and trade associations from the energy efficiency, natural gas, and renewable energy sectors, and also includes independent electric power producers, investor-owned utilities, public power, industrial manufacturers, commercial end-users, and energy and environmental service companies. BCSE was founded in 1992, and advocates for policies at state, national and international levels that increase the use of commercially-available clean energy technologies, products and services. The coalition’s

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<sup>1</sup> Authorizations for Certain Post-Licensing Activities at Hydroelectric Projects, 193 FERC ¶ 61,140 (2025).

diverse business membership is united around realizing a vibrant and competitive U.S. economy and the creation of a secure, affordable and sustainable energy future for the country.<sup>23</sup>

## **I. Comments**

Hydropower is critical to maintaining a reliable, affordable and resilient energy system. Hydropower currently provides approximately 6 percent U.S. power generation and over 25 percent of U.S. renewable generation. In the West and Pacific Northwest, it provides an even larger proportion of the power mix. Hydropower is a reliable, low-cost, and dispatchable energy source that is essential for meeting the demands of an expanding economy, including rapid growth in data centers and artificial intelligence.

Hydropower facilities are designed to operate for decades and, like any physical infrastructure, require continual maintenance and modernization to ensure they remain safe and operational.

## **II. RECOMMENDATIONS**

BCSE is a diverse coalition of organizations from all parts of the energy industry. BCSE would like to offer its general perspectives, but encourages the Commission to review the comments submitted by the National Hydropower Association (NHA) for more detailed discussion of the issues under consideration and specific recommendations.

BCSE agrees with NHA that FERC's regulations should reflect the existing provisions of the Federal Power Act regarding the Commission's role in post-licensing activities. BCSE also

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<sup>2</sup> More information about BCSE is available at: [www.bcse.org](http://www.bcse.org). As BCSE is a diverse coalition, not all BCSE members endorse or take positions on the issues included in these comments. The comments contained in this filing represent the position of BCSE as an organization, but not necessarily the view of any particular member with respect to any specific issue.

<sup>3</sup> The Low Impact Hydropower Institute (LIHI) is a member of BCSE. LIHI is a national 501(c)(3) organization dedicated to reducing the impacts of hydropower generation and supporting projects that prioritize environmental, recreational, historical, and cultural resource protection. LIHI takes no position on the BCSE comments.

agrees that the adoption of a new blanket authorization program for O&M and replacement activities, including in-kind replacements, as well as for other minor alterations, modifications, and changes, is warranted. In adopting a blanket authorization, BCSE urges the Commission to provide asset owners with as much clarity and consistency as possible, which may include changes not only to its regulations but also to additional policies, guidance documents (e.g., the Compliance Handbook), and other materials as needed.

BCSE also believes a blanket authorization is appropriate as the activities that would fall under such a program are inherent to project operations, which were extensively and exhaustively reviewed for safety and environmental performance and approved at the completion of FERC's comprehensive licensing or relicensing process, and as the Commission retains additional post-license authorities to ensure continued project performance.

BCSE notes that in the past year, staff losses have been reported across FERC, including the Office of Energy Projects (OEP) and the Division of Hydropower Administration and Compliance (DHAC). Greater numbers of license amendment applications, coupled with a decrease in staff, will likely worsen the trend of increased delays. Adopting a blanket authorization framework would allow DHAC staff to focus on higher impact activities, reducing both their workload and the review and approval issuance timeline.

## **V. CONCLUSION**

BCSE thanks the Commission for instituting this review and re-examination of its regulations and policies regarding post-licensing activities. BCSE urges the Commission to move forward with a blanket authorization program and other reforms to its regulatory programs to streamline and improve post-licensing activities at hydropower projects.

Respectfully submitted,



/s/

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Date: February 10, 2026

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this pleading has been served this day upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC this 10<sup>th</sup> day of February, 2026.

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