

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2459-283—West Virginia,
Pennsylvania
Lake Lynn Hydroelectric Project
Lake Lynn Generation, LLC

August 7, 2025

VIA FERC Service

Ms. Jody J. Smet
Vice President, Regulatory Affairs
Lake Lynn Generation, LLC
7315 Wisconsin Avenue
Suite 1100W
Bethesda, MD 20814

Subject: Request for Additional Information Regarding Recreation Maintenance at
Project Recreation Facilities

Dear Ms. Smet:

This letter is in reference to allegations made concerning your oversight and maintenance of project recreation facilities at the Lake Lynn Hydroelectric Project.¹

Under your approved Recreation Management Plan (Recreation Plan),² you are required to provide the following project recreation sites: (1) Tailrace Fishing Area; (2) Cheat Lake Trail; (3) Substation Parking Area; (4) Cheat Lake Park; (5) Cheat Lake Park Upper Parking Area; (6) Cheat Lake Park Overflow Parking Area; (7) Cheat Lake Park Lower Parking Area; (8) Cheat Lake Park Upper Picnic Area; (9) Sunset Beach Marina Public Boat Launch; (10) Cheat Haven Peninsula Nature Viewing Area; (11) Cheat Lake

¹ *West Penn Power Company*, 69 FERC ¶ 62,253 (1994).

² *Allegheny Energy Supply Company*, 122 FERC ¶ 62,267 (2008); *Allegheny Energy Supply Company*, 131 FERC ¶ 62,128 (2010); *Lake Lynn Generation, LLC*, 152 FERC ¶ 62,081 (2015); *Lake Lynn Generation, LLC*, 164 FERC ¶ 62,079 (2018); and *Lake Lynn Generation, LLC*, 191 FERC ¶ 62,118 (2025).

Park Nature Viewing Area; (12) Nature Viewing Area across from Cheat Haven; and (13) Tower Run Nature Viewing Area.

On January 17, 2024, Commission staff issued a letter to you regarding upkeep and maintenance at your recreation sites, due to concerns raised by the public. In our letter, we specifically asked you to provide: (1) a detailed statement regarding the frequency of trash and debris removal and mowing at each recreation site; (2) a detailed statement regarding the frequency of general ground maintenance at each recreation site (i.e., repairs and cleaning of informational kiosks); (3) an explanation for the out-of-service toilets, sinks, and water fountains at Cheat Lake Park and your plan and schedule for getting them back in service before the upcoming recreation season; (4) an explanation of the storage and/or placement of sand over storm drains within various other areas of the recreation sites; and (5) an explanation of what has been done to address the exposed rusty metal at the Cheat Lake Park playground. You filed a partial response to our letter on February 16, 2024. As of the date of this letter, we still have several concerns regarding the upkeep and maintenance of these recreation facilities. Therefore, we are seeking additional information to help us determine if you are complying with your license requirements.

Restroom Closures at Cheat Lake Park and Out-of-Service Water Fountains

We have been notified that the restroom facilities at Cheat Lake Park are closed due to a severe water leak and that you are providing portable toilets as a temporary measure. Although you are providing portable toilets to temporarily offset the burden of the closure, your Recreation Plan specifically requires you to provide potable water and sanitary sewage, as well as ADA-accessible restroom facilities.³ Additionally, we continue to receive complaints that the water fountains are unusable. Per your approved Recreation Plan, you are required to provide 6 water fountains at Cheat Lake Park and 2 water fountains at Cheat Lake Park Upper Picnic Area. In your February 16, 2024 filing, you indicated that the water fountains work but noted that the levers to release the water are difficult to operate. You also stated in your February 16, 2024 filing that you would file a plan and schedule for repairs if they could not be completed by April 1, 2024.

To date, you have not provided the Commission with a plan and schedule to return the facilities to service. On July 1, 2025, Commission staff held a phone call with your

³ The current recreation plan does not require a specific number of toilets at the restroom facilities at Cheat Lake Park; however, your filing of the recreation plan on June 26, 1995 documents that the Men's restroom would have 2 toilet stalls and 2 urinals, and the Women's restroom would have 3 toilet stalls.

staff.⁴ During the call, your staff indicated that there were discussions about providing water bottle refill stations and indicated there is the potential for a municipal water line to run to the park; however, no timeline for resolving the water outage was provided. It also remains unclear whether you are providing an accessible portable toilet.

Vandalism

In your February 16, 2024 filing, you noted that the project has recently experienced an increased rate of vandalism at Cheat Lake Park and that copper plumbing was stolen from the bathrooms. On August 10, 2018, Commission staff issued an order⁵ that, in part, approved a request to update security measures due to a lack of trespassing or vandalism within the project area and associated recreation areas. Prior to the update, you were required to provide security personnel for 16 hours a day, 7 days a week during the recreation season, and for 10 hours a day, 7 days a week during the off-season. The 2018 Order approved your request to reduce safety and security patrols of the project recreation sites during the daylight hours on weekends and holidays from Memorial Day weekend through Labor Day, although your February 16, 2024 filing indicated that the patrols occur more frequently. You also recently requested, and Commission staff approved, the removal of a fish-cleaning station at Cheat Lake Park due, in part, to vandalism.⁶

Maintenance at Recreation Sites and Debris Removal

We received complaints that downed trees and debris accumulation at project recreation facilities continue to be issues. Commission staff notes that a certain amount of debris accumulation is to be expected; however, as detailed in your license, Article 20 of Standard Form L-10 requires you to clear and keep clear to an adequate width lands along open conduits and you shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. Additionally, Article 20 also states that all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the

⁴ Commission staff issued a memo on July 31, 2025, regarding a telephone call that took place on July 1, 2025, between Commission staff (Shawn Halerz) and Lake Lynn Generation, LLC (Melissa Rondou).

⁵ *Lake Lynn Generation, LLC*, 164 FERC ¶ 62,079 (2018).

⁶ *Lake Lynn Generation, LLC*, 191 FERC ¶ 62,118 (2025).

satisfaction of the authorized representative of the Commission and in accordance with appropriate federal, state, and local statutes and regulations.

We also received complaints that the interpretive displays and lighting⁷ along trails have not been receiving proper maintenance and cleaning, and that the displays are difficult to read. In your February 16, 2024 filing, you indicated that that security and maintenance patrols occur daily April through September and twice per week October through March, and that these patrols pick up litter, identify hazards such as downed trees, and identify maintenance and public safety needs. You stated that general recreation facility maintenance, including cleaning, painting, and repair of park infrastructure is performed as needed, and larger scale repairs and maintenance occur during the off season.

Based on the information provided, it is not clear how quickly or frequently you respond to the maintenance and public safety needs, when identified, and whether the interpretative displays and trail lighting are functional.

Discussion

There are several outstanding concerns with your project recreation facilities that require additional information for us to complete our review. Therefore, within **15 days** of the date of this letter, please file the following information:

- (1) A plan and schedule for fixing the water leak and returning the restrooms and water fountains at Cheat Lake Park into service, including interim measures for providing potable water;
- (2) Photo documentation that you are providing a wheelchair-accessible portable toilet while the restrooms are out-of-service or a plan and schedule to do so;
- (3) A detailed history of the frequency of general ground maintenance over the past 2 years, specifically including debris removal, the location of downed trees, and the frequency of downed tree clearing;
- (4) Photo documentation that the interpretive displays are legible and documentation that the trail lighting is in good working order, or a plan and schedule to resolve any remaining maintenance issues; and

⁷ Upon reviewing photos provided by the public, Commission staff notes that an aforementioned piece of rusty metal sticking out of the ground was from a broken light in the vicinity of the playground and not within the playground.

- (5) A detailed summary of any recent vandalism at recreation sites throughout the project; your opinion on whether current security measures, protocols, patrols, etc., are sufficient at deterring vandalism and upkeeping maintenance at your project recreation facilities; and if not, a plan and schedule to increase security measures to address the vandalism.

Commission staff understands that, with higher periodic uses of the project's recreation facilities, outages occur. However, licensees are still required to provide recreation amenities approved in their licensees and recreation management plans. Aside from temporary closures for the purposes of maintenance or public safety, you are reminded that you must notify the Commission of any recreation amenity or facility closure, and Commission staff may consider such closure a deviation from a license requirement. When unavoidable closures occur, all facilities should be returned to service as soon as possible and we recommend that you post the outage of any recreational facilities on your website to make the public aware of these outages, including an estimated date that the facilities will be returned to service and directions to alternative recreation facilities, if available nearby. Additionally, you have a continued obligation to maintain your project recreation facilities under your approved Recreation Plan and under 18 C.F.R. § 2.7.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-2459-283.

This matter remains under investigation pending additional information. We look forward to receiving your response, **due August 22, 2025**. If you have any questions regarding this matter, please contact Shawn Halerz at (202) 502-6360 or Shawn.Halerz@ferc.gov.

Sincerely,

Alicia Jackson, Chief
Land Resources Branch
Division of Hydropower Administration
and Compliance