

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

MOTION TO INTERVENE

Docket #P2197-054

Applicant: Alcoa Power Generating Company, Inc.

Name of Project: Yadkin

High Rock Lake Association (the "Movant"), on behalf of all its members who have interests in High Rock Lake, respectfully moves for intervenor status in the request by Alcoa Power Generating Company, Inc. (the "Applicant") for a temporary variance to minimum flow releases, filed with the Federal Energy Regulatory Commission (FERC) on July 22, 2002 and July 26, 2002. The Movant files this motion pursuant to C.F.R. 385.214 (a)(3) (2002). The Movant seeks intervenor status based on the following:

1. The Movant is an organization with a long standing record of acting to protect the interests of citizens who have interests in High Rock Lake, those who depend upon the water quality and quantity in the lake and river basin for all purposes, including drinking water supplies, recreational benefits, environmental benefits, and economic well being, those persons who own property abutting the lake boundaries, and all persons and/or entities who are affected by the management of the Yadkin Project # P-2197.
2. The Movant requests a waiver for "out-of-time filing in this matter due to new information filed by persons or agencies who claim to represent the interests of South Carolina (the SC Reps)". The SC Reps filed for intervenor status on the August 23 deadline; and the motion filed by the SC Reps contains allegations and positions, that are of cause concern to this Movant.
3. The SC Reps appear to be making demands of the subject Project #P-2197 that would result in draining of the lakes under the current drought conditions. The Movant finds their demand unreasonable, and any weight given to the demands of the SC Reps by FERC would result in unjustified hardship to the citizens of North Carolina who depend upon the waters of the Yadkin River and the lakes of Project P-2197.
4. FERC should recognize that North Carolina is experiencing a severe drought, and the Governor of our State has ordered water conservation measures in recognition of our water shortages.
5. The SC Reps claim to have regulatory control over all sources of public drinking water in South Carolina. FERC must recognize that South Carolina has taken no regulatory action to conserve water.
6. The SC Reps claim the Pee Dee River is a water source for 275,000 users. FERC should determine the basis of that number; and seek clarification as to the definition of "user". Do the SC Reps claim to have 275,000 intake points from the river? If so, what is the daily water consumption of these 275,000 users? Do these users have an alternate source of water supply?
7. The SC Reps claim a fear of salt water encroachment in the lower Pee Dee basin due to low flow in the river from North Carolina. The Movant believes there is insufficient documentation to support this claim of immediate danger.
8. The SC Reps claim navigation on the Pee Dee River is threatened. The Yadkin River is also a federally designated navigable body of water in the area of the Project; and current drought conditions, as well as lake management by the Applicant, has rendered this body of water unsuitable for navigation. The SC Reps have no right to expect waters from North Carolina to cure this alleged problem.
9. South Carolina and its elected officials should have known that the waters of the Pee Dee River are subject to many variations in flow based upon natural climatic conditions, and should have acted to construct reservoirs or other such flow control measures to insure water supplies for the citizens of South Carolina. The SC Reps have no right to now demand a voice in the operation of privately owned reservoirs in North Carolina.
10. This Movant respectfully requests to be granted intervenor status in light of the last minute requests of the SC Reps, and be made a party to these proceedings. We ask the following name be placed on the service list for the purpose of receiving notices, pleadings, motions, rulings, etc:

Mr. Henry Boone
President
HIGH ROCK LAKE ASSOCIATION
PO Box 159
Southmont, NC 27351
Telephone (336) 722-9975
E-Mail: hmb Boone@triad.rr.com

Respectfully Submitted,
High Rock Lake Association

Henry M. Boone
President
Dated: August 28, 2002

CERTIFICATE OF SERVICE

I certify that I have this 29th day of August, 2002, served this Motion to Intervene via U.S. Mail upon all persons on the service list maintained by the Federal energy Regulatory Commission for Project No 2197.

Respectfully submitted,

Henry M. Boone