

193 FERC ¶ 62,174
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Western Maine Energy Storage, LLC

Project No. 15410-000

ORDER ISSUING PRELIMINARY PERMIT
AND GRANTING PRIORITY TO FILE LICENSE APPLICATION

(Issued December 17, 2025)

1. On July 22, 2025, Western Maine Energy Storage, LLC (WMES) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA),¹ to study the feasibility of the Western Maine Energy Storage Project No. 15410 (Western Maine Project or project). The proposed pumped storage project would be located off river, on 625 acres of private land near the Town of Dixfield, in Oxford County, Maine. For the reasons discussed below, we are issuing a preliminary permit to WMES.

I. Project Proposal

2. The proposed Western Maine Project would consist of: (1) a 100-acre upper reservoir with a storage capacity of 3,500 acre-feet; (2) a 100-acre lower reservoir with a storage capacity of 4,500 acre-feet; (3) two 16-foot-diameter, 7,820-foot-long round steel penstocks; (4) a 125-foot-long, 100-foot-wide concrete powerhouse; (5) a water intake structure and 2.3-mile-long intake pipe; (6) ground water wells; (7) a 2-mile-long, 115 kilovolt (kV) generator tie-in transmission line; (8) two Double Ring Bus interconnects on two existing 115 kV transmission lines; (9) two pump/turbines each with a rating range of 200-250 megawatts (MW); and (10) two generators each with a maximum rating of 250 MW. The project would have an estimated average annual generation of 1,000,000 MW-hours.

3. In its application, WMES requests a permit term of 48 months.²

¹ 16 U.S.C. § 797(f).

² The Commission may issue a permit term of up to 48 months. *Id.* § 798(a).

II. Notice, Interventions, and Comments

4. On August 26, 2025, the Commission issued public notice of the application, establishing a deadline of October 27, 2025, for filing comments, interventions, and competing applications. Notice of the application was published in the *Federal Register* on August 29, 2025.³

5. The National Marine Fisheries Service and the Maine Department of Inland Fisheries and Wildlife filed timely notices of intervention.⁴

6. David VonSeggern filed comments. The comments, which are discussed below, have been fully considered in determining whether to issue a preliminary permit.

III. Discussion

7. Section 4(f) of the FPA authorizes the Commission to issue preliminary permits for the purpose of enabling prospective applicants for a hydropower license to secure the data and perform the acts required by section 9 of the FPA.⁵ A preliminary permit preserves the right of the permit holder to have the first priority in applying for a license for the proposed project that is being studied.⁶ A preliminary permit does not authorize the permittee to access lands or to undertake any land-disturbing activities.⁷ A permit holder can only enter lands it does not own with the permission of the landholder, and is required to obtain whatever environmental permits federal, state, and local authorities may require before conducting any studies.⁸ Further, permit conditions are framed to

³ 90 Fed. Reg. 42,241 (Aug. 29, 2025).

⁴ Timely notices of intervention are granted by operation of Rule 214 of the Commission's Rules of Procedure. 18 C.F.R. § 385.214(a)(2) (2025).

⁵ 16 U.S.C. § 802.

⁶ See, e.g., *Mt. Hope Waterpower Project LLP*, 116 FERC ¶ 61,232, at P 4 (2006) ("The purpose of a preliminary permit is to encourage hydroelectric development by affording its holder priority of application (i.e., guaranteed first-to-file status) with respect to the filing of development applications for the affected site.").

⁷ The issuance of preliminary permits is categorically excluded from requiring the preparation of an environmental assessment or an environmental impact statement. See 18 C.F.R. § 380.4(a)(9).

⁸ See, e.g., *BOSTI Hydroelectric, LLC*, 185 FERC ¶ 61,041, at P 14 (2023); *Desert Pumped Storage LLC*, 177 FERC ¶ 61,104, at PP 6-9 (2021); *Three Mile Falls Hydro*,

ensure that the permittee does not tie up a site without pursuing in good faith a study of the project's feasibility.⁹ If the permittee finds the project to be feasible, the permittee can use the data and information gathered in preparing an application for a license.

8. A preliminary permit is not a prerequisite for filing a license application. Further, the issuance of a permit does not in any way predetermine how the Commission might act on any license application; it merely preserves the right of the permittee to be the first to file such an application during the permit's term.

A. Project Construction and Operation

9. Mr. VonSeggern considers battery storage systems to be an energy storage alternative to the proposed pumped storage project. He states that, based on Maine's energy goals, the proposed project could supply needed long-duration energy storage that batteries cannot economically supply; however, there would be additional environmental impacts associated with the pumped storage project. He compares these environmental impacts, along with other considerations such as land use impacts,¹⁰ greater economic costs,¹¹ and longer construction timelines,¹² to the impacts of battery storage systems.

LLC, 102 FERC ¶ 61,301, at P 10 (2003).

⁹ See *City of Richmond*, 46 FERC ¶ 62,041 (1989), *appeal denied*, 52 FERC ¶ 61,322, at 62,281 (1990).

¹⁰ Mr. VonSeggern states that pumped storage projects require up to 10 times the acreage of battery storage and that the proposed project could be replaced by a battery storage facility on a land area 7 times smaller to deliver an equivalent storage capacity. Mr. VonSeggern also states that battery storage facilities can be placed immediately next to a transmission line with a minimal infrastructure footprint while a pumped storage project requires a geographically suitable site which may disrupt a new area and require additional power lines of substantial length.

¹¹ Mr. VonSeggern states that a battery storage system could have half the cost of a pumped storage project and that future costs for pumped storage projects are unlikely to decrease while costs of battery storage are projected to trend downward. In addition, Mr. VonSeggern states battery storage systems fall into a "cookie-cutter pattern" of installation with less engineering and planning, while pumped storage projects must be individually sited and constructed with higher upfront costs.

¹² Mr. VonSeggern states that the permitting, licensing, and construction of the proposed project would require 8 years, with construction beginning in 2029 and lasting through 2033. Mr. VonSeggern further states that it is likely that significant energy

10. Mr. VonSeggern expresses concern about the potential effects of using the local groundwater supply as a long-term water source for the proposed project. He also lists some of the other potential environmental impacts associated with large hydropower developments, such as inundation of natural areas, damage to fish and wildlife habitat, interference with fish migration and reproduction, and displacement of human and natural communities. Mr. VonSeggern also expresses concern about the amount of land needed for the proposed project and its associated impoundments and how that land would no longer be available for other uses, such as hunting and trapping, and how the impoundments are not likely to be available for recreational boating and fishing. Mr. VonSeggern further states that the replacement of carbon-storing forests with water impoundments that release greenhouse gases may not be an effective climate stability strategy.

11. The purpose of a preliminary permit is to secure the permit holder's priority for filing a development application while it studies the feasibility of a project, including studying potential impacts, such as those identified by the commenter here.¹³ Accordingly, as noted above, a preliminary permit does not authorize project construction or access to private lands that are proposed to be part of the project. Therefore, addressing these concerns at the permit stage is premature.¹⁴ Concerns regarding the environmental effects of project construction and operation would be addressed and considered during a licensing proceeding, should WMES ultimately prepare a license application.¹⁵

storage will be required before 2033 and that battery storage systems can be designed, permitted, and constructed in less than 8 years.

¹³ See, e.g., *Mt. Hope Waterpower Project LLP*, 116 FERC ¶ 61,232 at P 4 (2006).

¹⁴ See, e.g., *SV Hydro, LLC*, 173 FERC ¶ 62,047, at P 5 (2020) (declining to address as premature commenters' claims regarding project safety, the availability of initial fill water, and interference with iron ore mining); *Tomlin Energy LLC*, 169 FERC ¶ 61,037, at P 8 (2019) (explaining that concerns about impacts of project operation are premature at the permit stage); *Green Energy Storage Corp.*, 150 FERC ¶ 61,042, at P 10 (2015) (finding that opposition to the construction of the project is outside the scope of the preliminary permit proceeding); *Alaska Power Co., Inc.*, 138 FERC ¶ 62,130, at P 7 (2012) (stating that concerns over the project's impact on fish and wildlife resources and the cumulative impacts of basin development are premature at the permit stage).

¹⁵ See, e.g., *Tomlin Energy LLC*, 169 FERC ¶ 61,037 at P 8.

IV. Permit Information

12. Article 4 of this permit requires the permittee to submit a progress report no later than the last day of each 12-month period from the effective date of this permit. The late filing of a report or the supplementation of an earlier report in response to a notice of probable cancellation will not necessarily excuse the failure to comply with the requirements of this article.

13. During the course of the permit, the Commission expects that the permittee will carry out pre-filing consultation and study development leading to the possible development of a license application. The pre-filing process begins with preparation of a Notice of Intent (NOI) and Pre-Application Document (PAD) pursuant to sections 5.5 and 5.6 of the Commission's regulations.¹⁶ The permittee must use the Integrated Licensing Process unless the Commission grants a request to use an alternative process (Alternative or Traditional Licensing Process). Such a request must accompany the NOI and PAD and set forth specific information justifying the request.¹⁷ If the permittee files a development application, notice of the application will be published, and those interested may intervene and comment on the project and the effects of its construction and operation.

14. A preliminary permit is not transferable. The named permittee is the only party entitled to the priority of the application for license afforded by this preliminary permit. In order to invoke permit-based priority in any subsequent licensing competition, the named permittee must file an application for license as the sole applicant, thereby evidencing its intent to be the sole licensee and to hold all proprietary rights necessary to construct, operate, and maintain the proposed project. Should any other parties intend to hold during the term of any license issued any of these proprietary rights necessary for project purposes, they must be included as joint applicants in any application for license filed. In such an instance, where parties other than the permittee are added as joint applicants for license, the joint application will not be eligible for any permit-based priority.¹⁸

¹⁶ See 18 C.F.R. §§ 5.5 and 5.6 (2025).

¹⁷ *Id.* 5.3 (2025).

¹⁸ See *City of Fayetteville Pub. Works Comm'n*, 16 FERC ¶ 61,209 (1981).

Project No. 15410-000

- 6 -

The Director orders:

(A) A preliminary permit is issued for the Western Maine Energy Storage Project No. 15410 to Western Maine Energy Storage, LLC, for a period effective from the first day of the month in which this preliminary permit is issued, and ending either 48 months from the effective date or on the date that a development application submitted by the permittee has been accepted for filing, whichever occurs first.

(B) This preliminary permit is subject to the terms and conditions of Part I of the Federal Power Act and related regulations. The preliminary permit is also subject to Articles 1 through 4, set forth in the attached standard form P-1.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l, and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2024).

Emily Carter, Chief
New England Branch
Division of Hydropower Licensing

Form P-1 (Revised May 2021)**FEDERAL ENERGY REGULATORY COMMISSION****TERMS AND CONDITIONS OF
PRELIMINARY PERMIT**

Article 1. The purpose of the permit is to maintain priority of application for a license during the term of the permit while the permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and, if the project is found to be feasible, prepares an acceptable application for license. In the course of whatever field studies the permittee undertakes, the permittee shall at all times exercise appropriate measures to prevent irreparable damage to the environment of the proposed project. This permit does not authorize the permittee to conduct any ground-disturbing activities or grant a right of entry onto any lands. The permittee must obtain any necessary authorizations and comply with any applicable laws and regulations to conduct any field studies.

Article 2. The permit is not transferable and may, after notice and opportunity for hearing, be canceled by order of the Commission upon failure of the permittee to prosecute diligently the activities for which a permit is issued, or for any other good cause shown.

Article 3. The priority granted under the permit shall be lost if the permit is canceled pursuant to Article 2 of this permit, or if the permittee fails, on or before the expiration date of the permit, to file with the Commission an application for license for the proposed project in conformity with the Commission's rules and regulations then in effect.

Article 4. No later than the last day of each 12-month period from the effective date of this permit, the permittee shall file a progress report. Each progress report must describe, for that reporting period, the nature and timing of what the permittee has done under the pre-filing requirements of 18 C.F.R. sections 4.38 and 5.1-5.31 and other applicable regulations; and, where studies require access to and use of land not owned by the permittee, the status of the permittee's efforts to obtain permission to access and use the land. The Commission strongly encourages that progress reports be filed electronically via its eFiling system. Instructions for e-filing can be found on the Commission's website at <https://www.ferc.gov/ferc-online/overview>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; (866) 208-3676 (toll free); or (202) 502-8659 (for TTY). If eFiling is not an option, you may submit a paper copy. Submissions sent via the U.S. Postal Service (USPS) must be addressed to: the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1A, Washington, D.C. 20426. Submissions sent via any other carrier must be addressed

Project No. 15410-000

- 8 -

to: the Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue,
Rockville, Maryland 20852.

Document Content(s)

P15410-000_WesternMainePSP_permit order.docx.....1