



The American Waterways Operators

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Lynn M. Muench
Senior Vice President - Regional Advocacy

February 16, 2010

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Re: Pre-filing Comments and Study Requests for Free Flow Power Corporation Traditional Licensing Process Projects: P-12856, P-12849, P-12862, P-12848, P-12851, P-12833, P-12866, P-12855, P-12853, P-12854, P-12845, P-12864, P-12858, P-12865, P-12857, P-12842, P-12869, P-12863, P-12860, P-12843, P-12844, P-12828, P-12822, P-12817, P-12918, P-12927, P-12924, P-12922, P-12919, P-12928, P-12926, P-12925, P-12929, P-12931, P-12942, P-12937, P-12936, P-12932, P-12934, P-12933, P-12941, P-12940, P-12939, P-12914, P-12917, P-12935, P-12913, P-12916

Dear Ms. Bose,

The American Waterways Operators (AWO) is the national trade association for the inland and coastal tugboat, towboat and barge industry. Scores of AWO members operate thousands of vessels on the inland river system, transporting key commodities such as grain, coal and petroleum, and providing essential harbor services such as fleeting. AWO members provide the nation with a safe, secure, efficient and environmentally-friendly means of transportation for America's domestic commerce. AWO thanks the Federal Energy Regulatory Commission (FERC) for the opportunity to provide pre-filing comments on Free Flow Power Corporation's 48 proposed hydrokinetic projects prepared under the Traditional Licensing Process (TLP).

On January 27, FERC released its Initial Determination Letter regarding its recommendations on FFP's Revised Study Plan (RSP), a plan that seeks to substantiate the viability and effectiveness of FFP's seven proposed "lead" Integrated Licensing Process (ILP) projects. The Initial Determination Letter (IDL) approved or modified several of FFP's proposed study designs, applicable to most or all studies that will be conducted for FFP's ILP and TLP Projects. AWO appreciates FERC's ongoing acknowledgment in the IDL that commercial navigation safety and operational concerns must be taken into account. AWO will continue to make itself available as a resource to FERC and FFP on navigation issues.

The Tugboat, Towboat and Barge Industry Association

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As stated in AWO's January 11 Revised Study Plan Comments, we firmly believe FERC should require FFP to carry out site-specific studies on all proposed project sites, and strongly encourage FERC and FFP to wait for the results of the seven lead ILP project studies before any further decisions are made regarding proposed study topics for the 48 other TLP projects. During FFP's ILP-TLP joint public meetings, FFP assured stakeholders that the Infrastructure Siting Study and Navigation Study would be Site-Specific, the Hydraulic Study would be partially Site-Specific, and the Damage Turbine Recovery Study and EMF Study would be Site-Independent. AWO urges FERC to ensure that any site-independent data generated from FFP's initial ILP studies is correctly and appropriately transposed to any future site-specific TLP project studies. AWO member concerns rest on the belief that there exists the potential for a wide range of navigation and logistical complications at many of FFP's proposed sites.

FFP's Notice of Intent states that "Negotiating an ILP Study Plan Determination while in consultation with the TLP Project stakeholders will increase the likelihood that the studies to be conducted by the FFP are adequate and comprehensive for all of the FFP Mississippi River Projects." However, AWO believes the timeline for FFP's ILP and TLP projects have been too compressed to ensure thoughtful consideration. Without any further verifiable data generated by FFP's seven lead ILP project studies, it is impossible to consider the potential impacts of proposed ILP projects, or necessary TLP study recommendations.

AWO recommends that, before FERC permits FFP to progress any further on the other 48 TLP projects, FERC should wait for the results of the seven lead ILP project studies.

Once again, thank you for the opportunity to comment. AWO would be pleased to answer any questions or provide further information to assist FERC as it reviews FFP's proposed projects and future alternative power projects.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned above the printed name.

Lynn M. Muench