

NO. 2003-26

A RESOLUTION to extend the consumptive use compensation credit granted to PPL Holtwood, LLC by Resolution No. 2002-33.

WHEREAS, paragraph 4.b. of Resolution No. 2002-33 (also “the resolution”) specifies that the credit granted to PPL by paragraph 2 of the resolution to satisfy PPL’s consumptive use compensation obligation shall expire on December 3, 2003, unless and until there is unanimous consent of the parties to the Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) (“Decree Parties”) upon a reservoir releases program for the New York City Delaware River Basin reservoirs that ameliorates any adverse impact of releases from Lake Wallenpaupack associated with the resolution (“reservoir releases program”); and

WHEREAS, in accordance with Docket D-77-20 CP (Revision 6) and the terms of paragraph 3 of Resolution No. 2002-33, the Decree Parties have utilized their best efforts to agree by unanimous consent upon a reservoir releases program, but a final agreement has not yet been reached; and

WHEREAS, by letter dated September 29, 2003, PPL requested that the Commission extend the consumptive use compensation credit granted to it under Resolution No. 2002-33; and

WHEREAS, the Decree Parties have recommended that the Commission grant PPL’s request for an extension of its consumptive use compensation credit; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

Pending continuing efforts of the parties to the United States Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) to reach unanimous agreement on a reservoir releases program for the New York City Delaware River Basin reservoirs in accordance with Docket D-77-20 CP (Revision 6) and paragraph 3 of Resolution No. 2002-33, the credit granted to PPL Holtwood, LLC (“PPL”) by paragraph 2 of that resolution to satisfy the Commission’s consumptive use compensation requirement is extended until May 31, 2005. However, in the event that drought watch operations as defined by Docket D-77-20 CP (Revised), or drought warning or drought emergency operations as defined by the *Water Code* are occurring on that date, then the credit is extended until the termination of such operations.

/s/ Ernest P. Hahn

Ernest P. Hahn, Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, Esq., Commission Secretary

Adopted: December 3, 2003

Consent to Action by

Delaware River Basin Commission

Consent of the parties to the U.S. Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) to the action of the Delaware River Basin Commission extending the consumptive use compensation credit granted PPL Holtwood, LLC by Resolution No. 2002-33.

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State of New Jersey                      Date

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State of New York                      Date

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State of Delaware                      Date

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Commonwealth of Pennsylvania      Date

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State of Delaware                      Date

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City of New York                      Date