

EXHIBIT D

SECRETARY OF WAR, CHAIRMAN
SECRETARY OF THE INTERIOR
SECRETARY OF AGRICULTURE

O. C. MERRILL, EXECUTIVE SECRETARY

ADDRESS REPLY TO
EXECUTIVE SECRETARY
AND REFER TO

EP-553-Wash.
City of Seattle

FEDERAL POWER COMMISSION
WASHINGTON

October 28, 1927

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RECEIVED
F. P. C.

Mr. W. C. Morse, City Engineer,
Department of Public Works,
Seattle, Wash.

Dear Sir:

There is enclosed the original copy of the license, executed this date, for your power project on the Skagit River.

In accordance with the provisions thereof the District Forester, Forest Service, Portland, Oregon, will have supervision over the construction work and operations under the license. The District Engineer, 404 Federal Building, Tacoma, will supervise the stream-gaging work.

It is requested that in the future all correspondence pertaining thereto be addressed to these representatives.

Very truly yours,



Executive Secretary.

Incl. #4199.

INCLOSURE

4199

FROM
FEDERAL POWER COMMISSION

FEDERAL POWER COMMISSION
WASHINGTON, D. C.



LICENSE OF GOVERNMENT LANDS

Project No. 553, Washington

City of Seattle



River

THE FEDERAL POWER COMMISSION

LICENSE ON GOVERNMENT LANDS

Project No. 553

Washington

CITY OF SEATTLE

WHEREAS, by Act of Congress, approved June 10, 1920 (41 Stat., 1063) designated therein as "The Federal Water Power Act" and hereinafter called "the Act," the Federal Power Commission, herinafter called "the Commission," is authorized and empowered, inter alia, to issue licenses for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development, transmission and utilization of power across, along, from or in any of the navigable waters of the United States, or upon an part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam; and

WHEREAS, the City of Seattle, hereinafter called "the Licensee," a municipal corporation organized and existing under the laws of the State of Washington and having its office and principal place of business in the city of Seattle in the State of Washington, has pursuant to the terms of a preliminary permit issued March 3, 1927, made application in due and proper form to the Commission for a license for a power project designated as Project No. 553 on the records of the Commission, and for authority to construct, maintain and.

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operate, on Skagit River, in Mt. Baker National Forest, in the County of Whatcom, State of Washington, certain project works, as hereinafter described, necessary or convenient for the development, transmission and utilization of power, and to occupy and use therefor certain lands of the United States. as hereinafter described together with all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; and

WHEREAS, the Licensee has submitted to the Commission satisfactory evidence of its compliance with the laws of the State of Washington as required by Section 9, subsection (b) of the Act, and the Commission is satisfied as to the ability of the Licensee to carry out the plans for said project as filed with said application; and

WHEREAS, notice of said application has been given and published by the Commission, as required by Section 4 of the Act; full opportunity has been given to all interested parties to be heard, and no application for said project, or in conflict therewith, has been filed by any State or other municipality; and

WHEREAS, the maps, plans and specifications of said project and of said project works, as hereinafter described, have been approved by the Commission, and the Commission has found that said project, as hereinafter described, will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of water-power development and of other beneficial public uses, and that the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby was created or acquired; and

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WHEREAS, the Licensee, on the 21th day of October, 1927, pursuant to an authorization of its ~~city council~~ board-of-directors, a copy of the record thereof being hereto attached, accepted in writing all the terms and conditions of the Act and of this license;

NOW, THEREFORE, the Commission hereby issues this license to the Licensee for the purpose of constructing, operating and maintaining upon the lands of the United States hereinafter designated and described, certain project works necessary or convenient for the development, transmission and utilization of power and constituting a part of the project hereinafter described, and of authorizing in connection with and as a part of said project the occupancy and/or use by the Licensee of said lands of the United States and of all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; said license, including the period thereof, being subject to all the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto as amended and made effective on the first day of April, 1924, as though fully set forth herein, which said rules and regulations are attached hereto and made a part hereof, and being subject also to the following express conditions and limitations, to wit:

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Article 1. This license is issued for a period of fifty (50) years from the date hereof, and in consideration of such license and the benefits and advantages accruing thereunder to the Licensee it is expressly agreed by the Licensee that the entire project, project area and project works as hereinafter designated and described, whether or not upon lands of the United States, shall be subject to all the terms and conditions of this license, including the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto and made a part of this license.

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Article 2. The project covered by and subject to this license is located on lands of the United States in Mt. Baker National Forest and consists of--

A. All lands constituting the project area and inclosed, or the location of which is shown, by the project boundary, and/or interests in such lands necessary or useful for the purposes of the project, whether such lands or interests therein are owned or held by the Licensee or by the United States; such project area and project boundary being more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibit J - "General Map Skagit River Projects."

Exhibit K - (Sheet 2) "Map of Flow Line and Dam Site Diablo Project."

Each of the above drawings being signed November 8, 1926, by J.D. Ross, Superintendent of Lighting, and J.D. Blackwell, City Engineer.

B. All water rights pertaining to the project; initiation of such rights and further details thereof being shown in a certain exhibit which accompanied said application and which is designated and described as:

Exhibit D - "Compliance with the Laws of the State of Washington," signed November 8, 1926, by J.D. Ross, Superintendent of Lighting, and J.D. Blackwell, City Engineer, and consisting of one typewritten and nine photostatic sheets.

11-32--d (2)

C. All project works, consisting of a concrete dam, reservoir, tunnels and power plant known as the Diablo project; and transmission line extending therefrom to the existing Gorge plant, there connecting with the present transmission system, as existing or to be enlarged, such project works being more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibit L - Sheet 1, "Map of Dam Site, Tunnels, and Power House, Diablo."

Sheet 3, "Profile of Dam, Tunnel, and Power House Diablo Project."

Sheet 6, "Plan and Section Elevation Diablo Power House."

Sheet 7, "General Plan of Dam and Intake, Diablo Project."

Sheets 9, 10, 11, "Log of Diamond Drillings, Diablo Dam Site."

Each of above sheets, 1, 3, 6, 7, 9, 10, and 11 inclusive, being signed November 8, 1926, by J.D. Ross, Superintendent of Lighting, and J.D. Blackwell, City Engineer.

Exhibit L - Sheet 12, "Diablo Canyon Dam, Plan, and Sections."

Sheet 13, "Diablo Canyon Dam, Elevation, and Sections."

Each of the above sheets, 12 and 13, being signed Sept. 6, 1927, and October 17, 1927, respectively, by L. Murray Grant, Chairman, Board of Public Works, and W.C. Morse, City Engineer, and filed as an amendment to Sheets 1, 2, 3, 4, 7, and 8 of Exhibit L, in so far as the design of the dams is concerned.

Exhibit M - General description and specifications of mechanical, electrical, and transmission equipment. Signed November 8, 1926, by J.D. Ross, Superintendent of Lighting, and J.D. Blackwell, City Engineer, and consisting of six typewritten sheets.

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D. All other structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project, whether owned by the Licensee or by the United States, and located upon the project area, including such portable property as may be used and useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project works is approved or acquiesced in by the Commission; also all other rights, easements, or interests, including said riparian rights, the ownership, use, occupancy or possession of which is necessary or appropriate in the maintenance and operation of the project or appurtenant to the project area.

Article 3. The maps, plans, specifications, and statements designated and described in Article 2 hereof as Exhibits D, J, K, L, and M, respectively, and approved by the Executive Secretary for the Commission in accordance with its authorization of October 10, 1927, are hereby made a part of this license, and no substantial change shall hereafter be made in said exhibits, or any of them, until such change shall have been approved by the Commission: Provided, however, that if the Licensee deems it necessary or desirable that said approved maps, plans, specifications and statements, or any of them, be changed there shall be submitted to the Commission for approval amended, supplemental, or additional maps, plans, specifications and statements covering the proposed changes, and upon approval by the Commission of such proposed changes such amended, supplemental or additional maps, plans, specifications and statements shall become a part of this license and shall supersede, in whole or in part, such map, plan, specification, or statement, or part thereof, theretofore made a part of this license as may be specified, respectively, in the order or endorsement of approval.

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Article 4. Said project works shall be constructed in substantial conformity with the approved maps, plans and specifications thereof made a part of this license and designated and described in Articles 2 and 3 hereof or as changed in accordance with the provision of said Article 3. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed under this license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission shall direct. Minor changes in or divergence from such approved maps, plans, and specifications may be made in the course of construction, if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any such minor changes made without the prior approval of the Commission which in its judgment have produced or will produce any of such results shall be subject to such alteration as the Commission may direct.

Article 5. The work of construction under this license, whether or not conducted upon lands of the United States, shall be subject to the inspection and approval of the District Forester, Forest Service, Portland, Oregon, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall notify such representative of the date upon which work will begin, and as far advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

Article 6. Subject to the provisions of Section 13 of the Act, the Licensee shall begin the construction of Diablo dam and reservoir on or before January 1, 1928 and complete the same on or before July 1, 1930; and shall begin the construction of the first power tunnel and power house for 3 units at Diablo dam, the installation of said units and the construction of the transmission line on or before January 1, 1930, and complete the same on or before December 31, 1935. The remaining half of the Diablo power plant herein authorized shall be constructed at such time as may be approved by the Commission as necessary to keep pace with the growth of the Licensee's requirements for power.

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Article 7. Upon the completion of the project works, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised map, plans, specifications, and statements, in so far as necessary to show any divergence from or variations in the project area as finally located or in the project works as constructed when compared with area shown and the works designated or described in this license or in the maps, plans, specification, and statements approved by the Commission under the provisions of Article 3 hereof, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variations in or divergence from the approved maps, plans, specifications, and statements. Such revised maps, plans, specifications, and statements shall, if and when approved by the Commission, be made a part of this license and shall, to the extent and in the particulars set forth in the order or endorsement of approval, be substituted for the maps, plans, specifications and statements theretofore approved by the Commission under the provisions of Article 3 hereof. The maps finally approved by the Commission and made a part of this license under the provisions of Article 3 and/or 7 hereof shall show the project area to an adequate scale and the boundary thereof either by legal subdivisions, by metes and bounds survey, or by uniform offsets from centerline survey. Said project area shall include all lands without respect to ownership and whether or not the exact boundaries can be definitely fixed and determined, the use and occupancy of which are or will be valuable or serviceable in the maintenance and operation of the project; on which are located or to which are appurtenant the project works (other than portable property) and the rights, easements, or interests likewise valuable and serviceable; and the ownership or possession, or the right of use and occupancy, of which are subject to acquisition by the United States under the provisions of Section 14 of the Act. Said Maps shall show the ownership of each parcel of land in said project area, and with respect to each parcel to which the Licensee has not the fee title, the character of the right of use and occupancy possessed by the Licensee together with the term of such right.

Article 8. For the purpose of determining the stage and flow of the stream or streams from which water is to be diverted for the operation of said project works and of the amount of water held in and drawn from storage, the Licensee shall maintain the present gaging stations on Skagit River near Ruby Creek and at Gorge power camp,

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shall provide for the required readings of such gages and for the adequate rating of said station or stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters or other measuring devices, and the method of operation thereof may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or its authorized representative or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of the District Engineer of the United States Geological Survey, having charge of stream gaging operations in the region of said project, and the Licensee shall reimburse the said United States Geological Survey for costs incurred in such supervision or for such part thereof as said District Engineer may deem equitable in the circumstances. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, shall make return of such records annually, at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall be liable for all damages occasioned to the property of others by the construction, maintenance or operation of said project works, or of the works appurtenant or accessory thereto, and in no event shall the United States be liable therefor.

Article 10. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto constructed under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 11. Timber upon lands of the United States, to be used or destroyed in the construction of the project works, shall be paid for in accordance with the requirements and estimates of the Department concerned.

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Article 12. In the construction and maintenance of the project works herein specified, the Licensee shall place and maintain suitable structures to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 13. The Licensee shall construct and maintain a roadway across the Diablo dam.

Article 14. The Licensee shall, before placing any transmission line into operation, make provision satisfactory to the Commission for avoiding inductive interference between such transmission line and any existing telephone line or lines of the United States, or with any such line or lines for which location has been made and specifications prepared but upon which construction has not begun at the time of erection of said transmission line. Such provisions may be applied either to the transmission line or to the telephone line or to both, as may be determined upon the basis of least cost. The Licensee hereby agrees to assent to such changes in the location or design of any of its transmission lines as may in the opinion of the Commission be necessary or desirable in order to avoid inductive interference with any telephone line or lines of the United States hereafter constructed or proposed to be constructed, provided such changes are made at the expense of the United States.

Article 15. The Licensee shall clear the bottoms and margins of all reservoirs up to high-water level, shall clear and keep clear to an adequate width lands of the United States along open conduits and along transmission lines, and shall dispose to the satisfaction of said representative of the Commission of all temporary structures, brush, refuse or unused timber on lands of the United States resulting from the clearing of lands or from the construction and maintenance of said project works.

Article 16. The Licensee shall permit the use of any reservoir included in the project for the temporary storage or for the transportation of logs, ties, poles, lumber, or other forest products, and upon demand of the Secretary of Agriculture, shall construct a logway of logways approved by said Secretary and suitable for the passage of such logs, ties, poles, lumber, or other forest products, over or around the dam at any such reservoir without undue hindrance or delay: Provided, That the use of said reservoir or of such logway or logways by owners of such logs, ties, poles, lumber, or other forest products, shall be under such rules and regulations adopted by the Licensee as may be approved by the Secretary of Agriculture.

Article 17. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of War, as may be necessary for the purposes of navigation and the operations of the Licensee so far as they affect the use, storage, and discharge from storage of waters affected by this license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of War may prescribe in the interests of navigation and as the Federal Power Commission may prescribe in the interests of flood control and of the fullest practicable use of said waters for power purposes.

Article 18. The Licensee will interpose no objections to and will in no way prevent the use of water for domestic purposes and of the reservoirs and project area for boating, fishing, and other recreational purposes by the public when and to the extent that such public use does not directly interfere with power use.

Article 19. The Licensee shall allow officers and employees of the United States free and unrestricted access in, through and across the said project and project works in the performance of their official duties, and shall allow the Forest Service, without charge, to construct or permit to be constructed in, through and across the said project, railroads, chutes, roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said project by the Licensee for the purposes herein set forth.

Article 20. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the Forest Service, or other agents of the United States, to prevent and suppress fires on or near the lands to be occupied under this license.

Article 21. The Licensee shall establish and maintain, in a form approved by the Commission, a system of accounts covering its entire electric-power production, transmission, and distribution, whether such power is produced at plants covered by this license, or otherwise.

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Article 22. Upon the completion of the construction of said project or of each of the separable parts thereof for which dates of completion are specified in Article 6 hereof, or of any addition to or betterment of said project, the Licensee shall file with the Commission a statement under oath in duplicate showing the actual legitimate cost of construction thereof and the price paid for water rights, lands, or interest in lands appurtenant to such construction as required by Regulation 20, Section 2, of said rules and regulations of the Commission. Any such statement shall include all proper and legitimate costs, whether incurred prior to issuance of license or on and after such date; and the Licensee shall, if requested by the Commission, show separately on any such statement, or on a special report or reports, the items and amounts of cost incurred prior to date of issuance of license, with such other details as the Commission may require. Each and every item of cost included in any such statement shall be supported by proper voucher or other evidence; and such voucher or evidence or certified copy thereof, in support of any item properly includible in said cost shall become a part of the permanent records of said project and shall be kept and retained by the Licensee in the manner required by the Commission. Any statement or report submitted to the Commission under the provisions of this article shall be subject to the provisions of Section 6 of said Regulation 20.

Article 23. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by the Licensee shall be determined from time to time by the Commission. Whenever such reservoir or other improvement is constructed by the United States the Licensee shall pay similar charges into the Treasury of the United States upon bills rendered by the Commission.

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Article 24. The Licensee shall pay to the United States reasonable annual charges for the purpose of reimbursing the United States for the costs of the administration of the Act and for recompensing it for the use, occupancy and enjoyment of its lands or other property hereinbefore described: ~~The payment by the Licensee of such annual charges for any calendar year shall be made to the United States at the end of the year, or within thirty days thereafter, upon bill rendered or approved by the Commission. Such charges shall be determined in accordance with the provisions of Regulation 14 of said rules and regulations of the Commission, and for the purposes of such determination~~ Provided, That the charges for administration of the act and for recompensing the United States for the use of its lands will be remitted to the extent that the Licensee is able to show to the satisfaction of the Commission that the power developed, transmitted or distributed hereunder is sold to the public without profit or is used by the Licensee for municipal purposes. The payment by the Licensee of such annual charges for any calendar year shall be made to United States at the end of the year, or within thirty days thereafter, upon bills rendered or approved by the Commission. Such charges shall be determined in accordance with the provisions of Regulation 14 of said rules and regulations of the Commission, and for the purposes of such determination the capacity of the Diablo power site shall be taken as 34,000 horsepower.

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Article 25. After the first twenty years of operation of said project under this license, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of the Licensee in said project, all as defined in and determined by the provisions of Regulation 17 of said rules and regulations of the Commission, the Licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return shall, subject to the proviso of Paragraph A, Section 3 of said regulation, be one and one-half ($1\frac{1}{2}$) times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the Licensee actually outstanding, in whole or in part, on account of project property at the beginning of the period of amortization and of each calendar year thereafter; such weighted average annual interest rate being determined as provided in Paragraphs B and C of Section 3 of said Regulation 17: Provided, That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the Licensee on account of the project or projects under license, together with any other works or property operated in connection therewith, is less than 25 per cent of the actual, legitimate investment of the Licensee in said project or projects, then and in such event for the calendar year next following the specified rate of return shall be two (2) times the legal rate of interest in the State in which the project or major part thereof is located.

Subject to the provisions of Section 6 of said regulation, the following proportions of such surplus earnings shall be paid into and held in such amortization reserves: Of all surplus earnings up to and including 2 per cent upon the actual, legitimate investment, 30 per cent thereof shall be so paid; of all surplus earnings in excess of 2 per cent and not in excess of 4 per cent upon such investment, 50 per cent thereof shall be so paid; of all surplus earnings in excess of 4 per cent and not in excess of 6 per cent, 70 per cent thereof shall be so paid, and of all surplus earnings in excess of 6 per cent, 90 per cent thereof shall be so paid: Provided, That if at the end of any calendar year of the amortization period the Commission shall find that the accumulated earnings of the Licensee during the period of operation, including the first twenty (20) years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall be ten (10) per cent thereof until such time as the accumulated earnings of the Licensee represent, in the judgment of the Commission, a fair return upon such investment for such period of operation.

Article 25. No lease of said project or part thereof whereby the lessee is granted the exclusive occupancy, possession or use of project works for purposes of generating, transmitting or distributing power shall be made without the prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants, require that all the conditions of this license, of the Act, and of said rules and regulations of the

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Commission shall be applicable to such lease and to such property so leased to the same extent as if the lessee were the Licensee hereunder: Provided, That the provisions of this article shall not apply to parts of the project or project works which may be used by another jointly with the Licensee under a contract or agreement whereby the Licensee retains the occupancy, possession, and control of the property so used and receives adequate consideration for such joint use, or to leases of land while not required for purposes of generating, transmitting, or distributing power, or to buildings or other property not built or used for said purposes, or to minor parts of the project or project works the leasing of which will not interfere with the usefulness or efficient operation of the project by the Licensee for said purposes.

Article 27. It is hereby understood and agreed that the Licensee, its ~~(his)~~ successors and assigns will, during the period of this license, retain the possession of all project property covered by this license as issued or as hereafter amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and that none of such properties valuable and serviceable to the project and to the development, transmission, and distribution of power therefrom will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, That a mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. The Licensee further agrees, on behalf of itself ~~(himself)~~, its ~~(his)~~ successors and assigns, that, in the event said project is taken over by the United States upon the termination of this license, as provided in Section 14 of the Act, or is transferred to a new Licensee under the provisions of Section 15 of the Act, it ~~(he)~~ will be responsible for and will make good any defect of title to or of right of user in any such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge or will assume responsibility for payment and discharge of all liens or incumbrances upon said project or project property created by said Licensee or created or incurred after the issuance of this license: Provided, That the provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, or to require the Licensee for the purpose of transferring the project to the United States or to a new Licensee to acquire any different title or right of user in any such project property than was necessary to acquire for its ~~(his)~~ own purposes as Licensee.

Article 23. The Licensee shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is

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rendered or the rate charged; and in case of the development, transmission, distribution, sale or use of power in public service by the Licensee or by its customers engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by the Licensee or by its customers engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of this license that jurisdiction is hereby conferred upon the Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: Provided, That the jurisdiction of the Commission shall cease and determine as to each specific matter of regulation and control prescribed in this Article as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.


Article 29. With the written consent of the Licensee, the Commission may by order made under its seal, and after the public notice required by Section 6 of the Act, modify, alter, enlarge or omit, in so far as authorized by law, any one or more of the conditions or provisions of this license.

Article 30. The enumeration herein of any rights reserved to the United States or to any State or municipality under the Act, or of any requirement of the Act or of said rules and regulations of the Commission shall not be construed in any degree as impairing any other rights so reserved by the Act or as limiting the force of any other requirement of said Act or of said regulations.

WITNESS WHEREOF, the Federal Power Commission has caused its name and seal to be hereto signed and affixed by its Executive Secretary, C. C. Hill, this 29th day of October, 1927, pursuant to authority given at its meeting of October 10, 1927, a certified copy of the record thereof being attached.

FEDERAL POWER COMMISSION

By



Executive Secretary.

11-32-n

In testimony of acceptance of all the terms and conditions of the Federal Water Power Act of June 10, 1920, and of the further conditions imposed in the foregoing license, the Licensee, this 21st day of October, 1927, has caused its name and corporate seal to be here-
to signed and affixed by Bertha K. Landes, its
Mayor, City
Council pursuant to a resolution of its board of
directors, passed on the 17th day of October, 1927, a certified
copy of the record thereof being hereto attached.

CITY OF SEATTLE

BY Bertha K. Landes
Mayor.

Attest:

Her Canale
City Comptroller

11 2
INCLOSURE 4199

FROM
FEDERAL POWER COMMISSION

FEDERAL POWER COMMISSION
WASHINGTON, D. C.



Rick

RESOLUTION No. 9312

WHEREAS Ordinance No. 50088, approved December 17th, 1925, relating to the Skagit River Power Development Project authorized and directed the Superintendent of Lighting and the City Engineer to make certain applications with reference thereto, and providing: "Section 3. That said Superintendent of Lighting and City Engineer by and they are hereby authorized and directed for and on behalf of the City of Seattle, to apply for and sign, execute, transmit and deliver all forms, statements, and other papers and documents necessary to procure a final permit for the further development and extension of the Skagit Power Development Project by the construction of an impounding and power dam across the Skagit River at Diablo Canyon, the crest of said dam to be at approximate elevation twelve hundred (1200) feet above sea level, and for the construction of a power house and other works on the banks of the Skagit River to be constructed and operated in connection with said dam with necessary conduits or tunnels;" and

WHEREAS The Superintendent of Lighting and the City Engineer, under date of November 8, 1926, duly prepared and filed an application for a license for Skagit River Projects, copy thereof being Comptrollers' File No. 107932; and

WHEREAS The Federal Power Commission issued a preliminary permit under date of March 3rd, 1927; and

WHEREAS Said Federal Power Commission have caused to be prepared a form of license for certain of said works designated as "Project 553 on the records of the Commission", and

WHEREAS Said form of license provides for the acceptance by the City of Seattle of all the terms and conditions of the Federal Water Power Act of June 10th, 1920, and of the further conditions imposed in said license, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That the Mayor be authorized and directed to sign said license form in duplicate, accepting the terms and conditions of the Federal Water Power Act of June 10th, 1920, and of the further conditions imposed in said proposed license, designated as Project No. 553 on the records of said Federal Power Commission, duly attested by the City Comptroller and Ex-officio City Clerk, who shall cause the corporate seal of the City to be thereunto affixed in accordance with the requirements of said license.

Passed the City Council this 17 day of May, 1927,
and signed by me in open session in authentication of its
passage this 17 day of May, 1927.

E. L. Blaine

President of the City Council

Filed by me this 17 day of May, 1927

E. W. CARROLL

City Comptroller and Ex-Officio
City Clerk

By E. W. CARROLL
Deputy Clerk

007 19 1927

Date of first publication

E. W. CARROLL
City Comptroller and Ex-Officio
City Clerk

By E. W. CARROLL
Deputy Clerk

OF WASHINGTON,
 CITY OF KING,
 OF SEATTLE.

H. W. CARROLL, City Comptroller and ex-officio City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct ^{statement} copy of _____ of _____

Resolution No. 9312 of the City Council of The City of Seattle,

same appears on file of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this 19th day of October, 1927

NT CHARGE									
LARGE									
ATE (SEAL) CHARGE									
CHARGE									

H. W. CARROLL,
 City Comptroller and ex-officio City Clerk.

Comptroller and Clerk.

Chief Deputy.

Number 17

11-32-n

In testimony of acceptance of all the terms and conditions of the Federal Water Power Act of June 10, 1920, and of the further conditions imposed in the foregoing license, the Licensee, this 21st day of October, 1927, has caused its name and corporate seal to be here-
to signed and affixed by Bertha K. Landes, its
Mayor, City
pursuant to a resolution of its board of
Council
directors, passed on the 17th day of October, 1927, a certified
copy of the record thereof being hereto attached.

CITY OF SEATTLE

By Bertha K. Landes
Mayor.

Attest:

Harry Cannon

City Comptroller