

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

New York Power Authority                    )  
  )                    Project No. 2216-066  
  )                    Niagara Power Project

**WITHDRAWAL OF COMMENTS AND PROTEST  
OF NIAGARA UNIVERSITY  
ON APPLICATION FOR NEW LICENSE**

**STATEMENT IN SUPPORT OF APPLICATION FOR NEW LICENSE**

Niagara University (hereafter “University”), pursuant to Rule 216 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.216 (2006), hereby withdraws the comments and protest it previously submitted in response to the filing of an Application for New License (“Application”) for the Niagara Power Project, FERC Project No. 2216 (“Project”), by the Power Authority of the State of New York (“NYPA” or “Applicant”).<sup>1</sup>

**I.       NOTICES AND COMMUNICATIONS**

All communications, correspondence, documents and other materials should be forwarded to the following persons:

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<sup>1</sup> New York Power Authority Application for New License, Niagara Power Project, FERC No. 216-066 (Aug 18, 2005).

**II. STATEMENT OF FACTS**

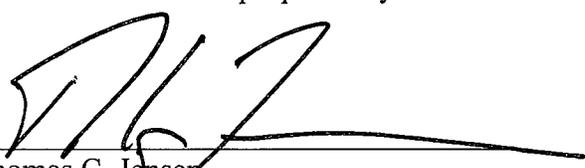
The University is a party to the above-captioned proceeding, having timely filed its Motion to Intervene on November 11, 2005. The University participated fully and actively in the Alternative Licensing Process ("ALP") that preceded NYPA's Application. The University filed Preliminary Comments on the Application on September 8, 2005, a Protest to the Application on December 19, 2005, and Comments on the Application on April 10, 2006.

On May 23, 2006, the University and the Applicant concluded a settlement on all relevant matters previously in dispute between them, including issues identified during the alternative licensing process. The Applicant will transmit the settlement to the Commission in a separate filing.

**III. CONCLUSION**

**WHEREFORE**, for the above-stated reasons, Niagara University unconditionally withdraws its previous comments and protest and hereby states its support for the Application, as supplemented by the terms of the settlement reached between the University and the Applicant. The University respectfully requests that the Commission issue a new license for the Project upon the terms and conditions proposed by the Applicant.

By: \_\_\_\_\_

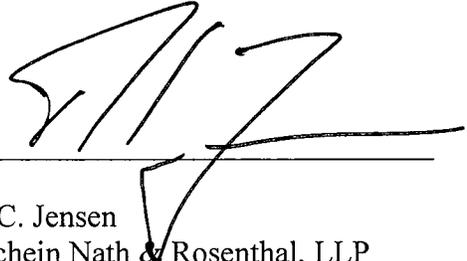
  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 30th day of May 2006.

Signed: \_\_\_\_\_



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