



January 13, 2009

ORDEAN "LARS" NYGREN  
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THOMAS P. GRAVES  
EXECUTIVE DIRECTOR

Mr. Robert J. Harris  
Regional Manager  
Upper Great Plains Region  
Western Area Power Administration  
2900 4<sup>th</sup> Avenue North  
Billings, MT 59101-1266

Dear Mr. Harris,

The Mid-West Electric Consumers Association appreciates the opportunity to comment on the Western Area Power Administration's ("Western") Post 2010 Resource Pool for the Eastern Division of the Pick-Sloan Missouri Basin Program ("Pick-Sloan"), as published in the Federal Register, October 15, 2008 (pp. 61109-61113).

The Mid-West Electric Consumers Association was founded in 1958 as the regional coalition of over 300 consumer-owned utilities (rural electric cooperatives, public power districts, and municipal electric utilities) that purchase hydropower generated at federal multi-purpose projects in the Missouri River basin under the Pick-Sloan Missouri Basin Program.

Mid-West generally supports the procedures for the Post-2010 Pick-Sloan Eastern Division Resource Pool.

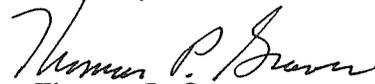
Mid-West is concerned about Criterion D of the General Eligibility Criteria in the Federal Register notice. That criterion notes that utility or non-utility applicants must be able to use the firm power directly or be able to sell it to retail customers. While Western does permit sale to a utility's member systems – recognizing the structure of joint action agencies and rural electric generation and transmission cooperatives – resale by a non-utility or a utility to a non-member would be a violation of the General Power Contract Provisions. Mid-West does not think the General Eligibility Criteria in the Federal Register notice accurately describes that prohibition.

Contract provisions for Resource Pool new firm power customers should be identical to the terms and conditions of existing firm power customers. If withdrawals are made for future resource pools, reductions should be applied to all firm power contract holders.

In considering applications and making new allocations, Western must act within existing laws and regulations. In no event should Western use “appropriate purposes” to attempt to legislate new policy regarding eligibility requirements for receiving firm power allocations under a regulatory proceeding such as this.

Mid-West and its members appreciate the opportunity to comment on Western’s Resource Pool proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Graves". The signature is written in a cursive style with a large initial 'T'.

Thomas P. Graves  
Executive Director