

# ARIZONA TRIBAL ENERGY ASSOCIATION

*Sent by e-mail to Post 2017BCP@wapa.gov*

September 1, 2011

Mr. Darrick Moe  
Western Area Power Administration  
Desert Southwest Regional Manager  
P.O. Box 6457  
Phoenix, AZ 85005-6457

**RE: Comments of the Arizona Tribal Energy Association on the Boulder Canyon Project – Post 2017 Application of the Energy Planning and Management Program Power Marketing Initiative Federal Register Notice of November 20, 2009**

Dear Mr. Moe:

The following represents the public comment submission of the Arizona Tribal Energy Association in response to Western's call for the same in its Federal Register Notices of April 27, 2011 and May 24, 2011 regarding the Boulder Canyon Project (BCP).

The Arizona Tribal Energy Association (ATEA) addresses Western's expressly noted areas for comment in turn below and supplemental comments thereafter.

1. Application of the Power Marketing Initiative to the Boulder Canyon Project and Total Quantity of Power to be Marketed

ATEA considers the PMI to apply to the Boulder Canyon Project consistent with Western's application of this protocol to all other Federal power projects since its implementation in 1995. ATEA considers the intent behind the PMI to support equitable distribution of this public resource and to confirm that such must be redefined through periodic resource reallocation as communities within the service area change over time.

Current customers have even noted in their own public comments to this process the critical nature of community-responsive resource planning, only further accentuating the importance of the application of the PMI.

ATEA asserts that Western should market all available Project output.

## 2. Quantity of Resources Extended to Existing Customers

ATEA asserts that the application of the PMI can be accomplished consistent with its purpose of assuring the provision of future resource planning stability to existing customers. ATEA asserts that the PMI application can achieve this assurance while only renewing a 90% share of the current allocations otherwise expiring in September 2017. The current proposal put forth by Western too extremely protects the renewal of currently contracted shares against new interests, especially the more than 50 currently estimated tribes in the Project service area who have never received any Project output, many or all of which represent increasing shares of total economic activity in their respective regions. ATEA is not persuaded that the proposed energy and capacity made available through modifications to current site operations as quantified at present meet the equitable redistribution mandate of the PMI. The disparately impacted economic interests of new tribal customers and their members and their previously complete preclusion from receipt of any Hoover power outweigh the need to almost completely insulate existing customers in a reallocation process, customers with much greater "buying power" to find alternate supplies than tribal communities.

## 3. Size of Proposed Resource Pool for New Customers

The quantity of the resources extended to new tribal customers should equal 10% of the total Project energy and capacity output. Such a total is on par with the share offered new tribal customers in other Western projects for which no tribes had previously received any allocations and is necessary to address proportionately larger economic impacts of current regional economic conditions on tribes in the service area in comparison to other Western preference customers so located. This share is also consistent with Western's practices in allocating a portion of output from other projects, as was done initially for Pick-Sloan, based at least in part on projected tribal needs.

## 4. Excess Energy Provisions

New tribal customers should receive an option to purchase any excess energy available during any calendar year in proportion to their share of power or at least on the same proportionate basis as that made available to existing customers. No first level priority to existing customers is justifiable under any economic or other analysis and would only create avoidable prejudice to new Project customers.

## 5. Additional Comments Regarding Western Authority to Allocate to Tribes

a. Consistent with current DOE tribal policy, Western must maintain a government-government relationship with tribes. On this basis alone Western has authority to contract to tribes.

Moreover, Western has contracted with more than 50 tribes in different projects it has reallocated in the last 10 years. As such, agency authority to do so is well established and consistent with Western's general project management parameters and no legal basis exists on which to find that BCP is somehow outside this history.

Finally, ATEA rejects the notion that any new tribal customer should be required to receive its allocation through the CRC or APA instead of Western.

b. ATEA supports no delays in the reallocation process by Western, noting that time extensions have already been made at two prior points in the process. Congressional action on this matter that may not ever occur and over which no parties nor Western have control cannot dictate Western's management of its own procedural responsibilities for reallocation.

ATEA appreciates the opportunity to submit these comments in furtherance of its desire to facilitate tribes' receipt of hydroelectric power generated through the Boulder Canyon Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy T. Mignella', written in a cursive style.

**Amy T. Mignella**  
**for the Arizona Tribal Energy Association**