

8-17-11 Lynch E-Mail Comment.txt

From: "Robert S. Lynch" <RSLynch@rslynchaty.com>
To: "Darrick Moe (moe@wapa.gov)" <moe@wapa.gov>
CC: "Tim Meeks (tmeeks@wapa.gov)" <tmeeks@wapa.gov>
Date: 8/17/2011 1:55 PM
Subject: Request to postpone the September 1, 2011 comment deadline in the process to apply the Power Marketing Initiative of the Energy Planning and Management Program to the Boulder Canyon Project

TO: Darrick Moe, Regional Manager, Desert Southwest Customer Service Region
Western Area Power Administration
FROM: Robert S. Lynch, Counsel and Assistant Secretary Treasurer, Irrigation & Electrical Districts Association of Arizona (IEDA)
SUBJECT: Request to postpone the September 1, 2011 comment deadline in the process to apply the Power Marketing Initiative of the Energy Planning and Management Program to the Boulder Canyon Project

Darrick:

At the Public Comment Forum this morning, a number of your customer representatives including those speaking on behalf of IEDA, the Arizona Power Authority, the Colorado River Commission of Nevada, the Central Arizona Water Conservation District, and the Southern California Edison Company, requested Western to extend the comment deadline in this process. There were various suggestions from October 31 to the end of the year and beyond, which your staff can dutifully report to you.

There are two very good reasons why western should undertake to postpone this comment deadline.

First, the answers to questions posed at and the transcript of proceedings for the Public Information Forum only became available to customers and other interested parties at or about 3:00 p.m. yesterday afternoon. Clearly, that was not enough time to absorb those responses and be able to make informed comments at today's Public Comment Forum. Because of the complexity of some of these issues, having to respond to them in writing in the next two weeks places an unreasonable burden on your customers and other interested parties. There are very serious legal issues associated with the questions that were asked and the responses that were belatedly given. These questions deserve thoughtful and detailed treatment. That will be difficult if not impossible to accomplish in the short time frame remaining before written comments are due. This alone should be sufficient reason to offer your customers and other interested parties more time to respond.

Second, as you know, there is legislation pending in both the House of Representatives and the Senate that has been approved by the relevant committees and is ready for floor action in both houses. That legislation would define a different process than western is undertaking, requiring western to scrap the current process and move forward in a different vein. It is, in our view, a waste of resources to pursue this course of action until western is certain that it will not be directed to go in a different direction by Congress.

I would point out that western has postponed the effective date of its decision concerning the Power Marketing Initiative to December 31, 2011. The remainder of the process cannot be acted upon until after that date in any event. Thus, allowing your customers and other interested parties to make a thoughtful and reasoned record in their written comments in this part of the proceeding will not in the least interfere with western's ability to move forward on this program if it chooses to do so next year.

If western is so disposed as to grant additional time for comments, it will obviously need to move quickly to prepare and have approved the appropriate Federal

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Register Notice for that purpose. We hope you will consider this request immediately and let us know whether the agency is inclined to so act. That would save all of us some time and effort and allow us to more reasonably plan our time around the effort to file written comments.

I hope you can let us and the other customers and interested parties know as soon as possible whether western will consider an extension of time. I think this is a matter of utmost importance and I hope you would actively consider it very quickly and give us a response.

Thanks for your early attention to this important matter.

Bob

cc: Tim Meeks, Administrator, Western Area Power Administration
Hoover Customer and Other Interested Parties Representatives
IEDA Members

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