

ANZA ELECTRIC COOPERATIVE, Inc.

A Touchstone Energy® Cooperative 

Phone: (951) 763-4333

P.O. Box 391909 (58470 Highway 371) Anza, California 92539-1909

FAX: (951) 763-5297

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

January 4, 2013

Re: Boulder Canyon Project – Post 2017 Resource Pool Market

Dear Mr. Moe,

I am writing on behalf of Anza Electric Cooperative, Inc. to offer comments on the Western Area Power Administration's ("Western") proposed marketing criteria for the Post 2017 Resource Pool that will become available as a result of the Hoover Allocation Act of 2011 ("HPPA"). Anza Electric serves electric customers in California; therefore we have an interest in the availability of power from the Hoover Project that will be made available under schedule D of the HPPA.

As General Manager of an electric cooperative with responsibilities to provide electric service at the lowest cost possible, I am dismayed to read that Western intends to give priority to Federally recognized Native American tribes and municipal corporations and political subdivisions ahead of electric cooperatives. Indeed, subsection E relegates rural electric cooperatives to a third tier status in evaluating applications for power made available under schedule D of the HPAA. This is an unprecedented departure in the treatment of traditional preference entities such as rural electric cooperatives and is not consistent with Congressional intent in passing the HPAA.

Western has a long tradition of treating rural electric cooperatives and municipally owned utilities on par in consideration of the allocation of power from Bureau of Reclamation ("Bureau") and U.S. Army Corps of Engineers ("Corps") projects. While it appears clear from the reading of the language of the HPAA that federally recognized tribes should also be considered as eligible entities for power under schedule D, there is nothing in the statutory language or the testimony before Congress that would indicate that federally recognized tribes have a super-priority over traditional preference entities. The more reasonable interpretation of the HPAA should lead Western to revise the priority criteria and consider applications of federally recognized tribes on par with the applications of traditional preference entities such as rural electric cooperatives and municipally owned utilities. We encourage you to make this revision to the final marketing criteria.

ANZA ELECTRIC COOPERATIVE, Inc.

A Touchstone Energy® Cooperative 

Phone: (951) 763-4333

P.O. Box 391909 (58470 Highway 371) Anza, California 92539-1909

FAX: (951) 763-5297

As Western moves forward with the final marketing criteria, we believe that the portions of the marketing criteria that refer to a potential recipient's ability to receive power are well advised. The HPAA makes specific reference to the Secretary's obligation to offer capacity and energy under schedule D. While Western may desire some flexibility to provide an equivalent benefit as set forth in subsection L, the statutory language of the HPAA limits the Secretary to providing contingent capacity and firm energy.

As General Manager of a rural electric cooperative in California, I also believe that Western should clarify in the final marketing criteria that the revised marketing criteria for Post 2017 applies solely to the allocation of Schedule D resources made available by the HPAA. While implied in the supplementary information preamble in the Federal Register notice of October 30th, the final marketing criteria should be expressly limited in scope to the marketing of Schedule D power.

Anza Electric relies on loan funds available through Rural Utilities Service, a division of the United States Department of Agriculture. As a Federal borrower, Project allocations would assist us in our financial obligations to the United States Government, and help ensure our economic viability. Our cooperative serves an economically challenged area. On average, 13% of our members live below the poverty level, as evidenced by the 2010 American Community Survey derived from the United States Census of that same year. We are currently experiencing double digit unemployment, with very little in the way of economic development forecast in the foreseeable future.

Thank you for the opportunity to comment on this project. Please feel free to contact me if you require additional information.

Sincerely,



Kevin Short
General Manager