



**Sulphur Springs Valley  
Electric Cooperative, Inc.**

A Touchstone Energy® Cooperative 

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

**RE: Boulder Canyon Project (BCP) – Post 2017 Resource Pool.**

Dear Mr. Darrick Moe;

On behalf of Sulphur Springs Valley Electric Cooperative (“SSVEC”) I am writing 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”). Because SSVEC serves electric customers in Arizona, 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 the Chief Executive Officer of an electric cooperative that has 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 HPPA. 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 HPPA. Electric cooperatives do not currently receive an allocation of power from Hoover.

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 HPPA 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 HPPA 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.

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 a representative of a rural electric cooperative in Arizona, 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 30<sup>th</sup>, the final marketing criteria should be expressly limited in scope to the marketing of Schedule D power.

I thank you for the opportunity to submit comments and remain available to answer any questions that you may have.

Sincerely,



Creden W. Huber  
Chief Executive Officer