



April 3, 2009

Tim Meeks, Administrator  
Western Area Power Administration  
P.O. Box 281213  
Lakewood, CO 80228-8213

Dear Administrator Meeks:

East River Electric Power Cooperative, Inc. (East River) offers this letter as comment to the Western Area Power Administration's (Western) Federal Register Notice (FRN), (dated March 4, 2009, pp.9392-9393) concerning implementation of Western's new transmission loan or construction authority.

East River is a wholesale electric power supply cooperative which provides twenty rural electric cooperatives and one municipal electric system transmission and power supply services. These twenty-one non-profit retail electric providers, which collectively own East River, serve about 90,000 residential, commercial and industrial accounts affecting approximately 250,000 consumers in eastern South Dakota and western Minnesota.

East River and its member owners rely on and hold contracts with Western for access to affordable and reliable bulk power supply from the Pick Sloan hydro electric system and transmission service from the jointly owned and Western operated Integrated (transmission) System.

We offer the following comments:

1. Schedule: The schedule set by Western for implementing this new transmission authority is unrealistic. We request Western extend the comment period, or in the alternate, provide a second "round" of comments after this comment period closes. We note Western has provided little substantive indication in this FRN as to how it intends to proceed. Reciting the legislative language of Section 402 in the FRN is not a reasonable substitute for a well constructed and thoughtful implementing proposal.

2. Core Mission: Western must develop implementing procedures for this authority which do not jeopardize its legacy statutory responsibility to provide cost based power supply and transmission service to non-profit utilities, state agencies, Native American tribes, and others within the Pick Sloan Missouri Basin Program. Specifically, Western must demonstrate in its implementing framework that i) existing and future transmission service reliability, access and costs for its core mission customers, including East River are not compromised or threatened; and ii) the hydroelectric power supply resources marketed by Western to its “core mission” customers are not compromised or threatened.
3. Eminent Domain: As part of its implementing procedures, Western should not transfer or proxy the use of federal eminent domain to third parties for construction of facilities which may arise from this new authority.

We appeal to Western to allow adequate time and give primary consideration to its ‘core mission’ obligations to the region’s preference customers in developing a thoughtful, reasoned and practical approach to implementing this new authority. Lacking such a commitment, we believe Western may put at risk essential power supply and transmission delivery requirements for the millions of current end use consumers, including those served by East River and its member systems, which depend contractually and operationally on Western.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey L. Nelson". The signature is written in a cursive, slightly slanted style.

Jeffrey L. Nelson  
General Manager

JLN/ts