

Sent via email to: Post2017BCP@wapa.gov

September 19, 2014

Mr. Ronald E. Moulton
Acting Regional Manager, Desert Southwest Office
Western Area Power Administration
P.O. Box 6457
Phoenix, AZ 85005-6457

RE: Public Comments of the Arizona Tribal Energy Association

Dear Mr. Moulton:

Please accept these comments on the Post2017-BCP Marketing process on behalf of the Arizona Tribal Energy Association (ATEA). We are writing in response to the allocations proposed by Western in the Federal Register on August 8, 2014, the comments made by Western representatives at the public comment forums held by Western the week of August 25, 2014 and also comments made by other process participants.

ATEA wishes to convey its support for tribal allocations as proposed and also note its support for a final allocation scheme that vests allocations of at least some quantity over the 100 kW minimum to every tribal applicant. As Western representatives stressed the “proposed” nature of the published allocations during the August public comment forums, while also noting that those totals listed will be adjusted before finalizing, we understand that some risk to the identified tribal recipients exists. As other tribal applicants received no proposed allocations, ATEA supports any reallocation scheme that favors all tribes including those not already considered qualified.

Western’s application of its published allocation criteria in this process need not penalize any tribes, as Western’s own wording does not, by itself, preclude allocations to specific tribal applicants. Instead, the wording as written allows for tribes to now receive Boulder Canyon power without a total preclusion based on the receipt of other Federal resources if the 25% cap is applied differently. Such a revision to what is now proposed would be consistent with Western’s obligations as resource administrator and Federal trustee to tribal interests, while also avoiding an overall process delay or disparate burden on non-tribal customers, as California recipients are proposed to receive an almost proximate share of the resource (20.8%) despite the absence of historical or trust considerations.

We hope you will revise the proposed allocations in accordance with these comments.

Sincerely,

Amy T. Mignella, Esq.
ATEA Advisor