



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

DINA TITUS
MEMBER OF CONGRESS
1ST DISTRICT NEVADA

COMMITTEE ON
TRANSPORTATION &
INFRASTRUCTURE

COMMITTEE ON
VETERANS' AFFAIRS

August 1, 2013

Mr. Mark A. Gabriel
Administrator
Western Area Power Authority
P.O. Box 281213
Lakewood, CO 80228-8213

SUBJECT: Request for Revisions to Western's Proposed Hoover Marketing Criteria

Dear Administrator Gabriel,

On behalf of the citizens of Nevada, I request that Western revise the marketing criteria it has proposed to implement the Schedule D allocations authorized in the Hoover Power Allocation Act of 2011 ("the 2011 Act"). As I am sure you are aware, pursuant to the Boulder Canyon Project Act of 1928, the 1984 Hoover Power Plant Act, and the 2011 Act, Congress (not Western) directs allocation of Hoover power through contracts with state, municipal and utility contractors. Thus, any attempt by Western to allocate Hoover inconsistent with these Acts of Congress would not be authorized under federal law.

In the 2011 Act, Congress directed the Secretary to offer post-2017 Schedule D Hoover power to new allottees comprised of the states, municipalities and political subdivisions eligible to receive Hoover power under section 5 of the Boulder Canyon Project Act of 1928 and federally recognized Indian tribes. Congress did not include in the 2011 Act any authority to Western either to allocate Hoover power to other types of entities or to administratively prescribe

additional criteria that would preclude any section 5 entities from receiving Schedule D allocations.

Therefore, Western must revise its proposed marketing criteria to conform to the requirements specific to the Hoover statutes noted above, specifically by including states and other section 5 entities as first priority applicants with Tribes. Western should also remove the unauthorized public utility status requirement and the unauthorized cooperatives from eligibility for Schedule D Hoover allocations. See the attached Comments submitted to Western by the Colorado River Commission of Nevada on January 11, 2013, regarding these changes.

I respectfully request your attention to this issue, and ask you to consider including the changes requested above in the marketing criteria you issue. Please advise me accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Dina Titus". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dina Titus

Member of Congress