

Submitted Electronically to SLIPPost2024@wapa.gov

May 30, 2016

Lynn C. Jeka
Senior Vice President
CRSP Manager
Western Area Power Administration
Salt Lake City, UT 84111

RE: Post 2024 Marketing Plan Comments of the Kaibab Paiute Tribe

Dear Ms. Jeka:

Please accept these comments on behalf of the Kaibab Paiute Tribe ("Tribe"). The Tribe submits the following responses to the Post 2024 Marketing Plan as currently structured.

The Tribe is not a current CRSP contractor but wishes to become a contractor in 2024 through a new allocation process. The Tribe was denied any CRSP resource during the prior remarketing due to its off-Reservation serving utility's (Garkane Electric) receipt of an allocation. But if the Tribe is not given any latitude to separate itself from that arrangement, as could be most directly facilitated by receipt of a CRSP allocation, it continues to experience only substantial barriers to self-determination with respect to essential utility service; and that disadvantage is only increasingly pronounced in contrast to many larger tribes. Federal hydroelectric resources should not only flow to interests of substantial scale. Instead, Indian self-determination must be furthered at all levels with the recognition of its greater potential benefits to those in the lowest economic positions.

In relation to its desire to become a CRSP customer, the Tribe submits the following additional remarketing process-related comments:

1. Term

The Tribe supports a 20-year contract term with an automatic right of renewal for an additional 20 years without resource reduction considerations if hydrology allows.

2. Process

The Tribe supports an allocation and contracting process through Western that is only standardized in form, including published draft documents with comment deadlines, and limited, standardized customer meetings for input with additional agency dialogue only as initiated by applicants and specific customers as needed for particular purposes unique to those entities and otherwise beyond the standard contract scope. The costs of participating in the practically runaway Hoover contracting process are not an expense the Tribe could again shoulder in order to become a CRSP customer.

3. Creditworthiness

The Tribe does not support the inclusion of creditworthiness provisions in the CRSP contracts. Existing tribal customers have already proven their reliable payment of CRSP contract obligations for the duration of their contracts and Kaibab will have been a Hoover customer for some time prior to its execution of any new CRSP contract, establishing a reliable payment history. Furthermore, creditworthiness has been completely excluded from the BCP contract forms now in process of execution. No distinct basis exists on which Western can justify the insertion of creditworthiness terms into the next generation of CRSP contracts.

4. LTEMP EIS

The Tribe notes Western's reliance on a specific Department of Interior proposed EIS scheme in Western's resource analysis but urges Western to avoid reliance on any specific environmental mitigation proposal in advance of any final Department of Interior decision on that matter. The Tribe instead supports Western proposing a variety of Marketing Plan approaches that address differing EIS outlines as those effect hydroelectric power production. The Tribe supports Western's use of additional customer dialogue, planning time and further customer comment opportunity as Western has offered in order to better strategize in relation to EIS-driven Dam management proposals.

Thank you for your attention to this submission.

Amy T. Mignella
Special Counsel
Kaibab Paiute Tribe