

JOSEPH J. HECK  
3RD DISTRICT, NEVADA

COMMITTEE ON  
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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2803

January 2, 2013



Anita Decker  
Acting Administrator  
Western Area Power Administration  
P.O. Box 281213  
Lakewood, CO 80228-8213

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

Dear Acting Administrator Decker:

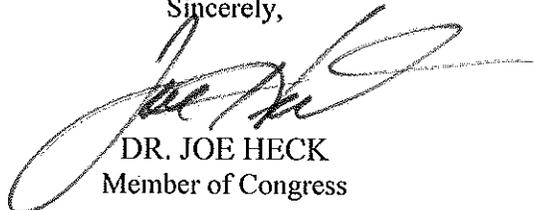
I am writing today to request Western to revise the marketing criteria it has proposed to implement the Schedule D allocations authorized in the Hoover Power Allocation Act of 2011 ("the 2011 Act"). As I am sure you are aware, under the Boulder Canyon Project Act of 1928, the 1984 Hoover Power Plant Act, and the 2011 Act, it has been Congress and not Western that directs allocation of Hoover power through contracts with state, municipal and utility contractors. Thus, any attempt by Western to allocate Hoover power in ways that contravene these statutes, 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 section 5 entities from receiving Schedule D allocations.

Therefore, I must request Western 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, removing the unauthorized public utility status requirement, and removing the unauthorized cooperatives from eligibility for Schedule D Hoover allocations.

I respectfully request your immediate attention to this issue, and inclusion of the changes requested above in the marketing criteria you issue following the public comments that are due to be submitted on January 11, 2013.

Sincerely,



DR. JOE HECK  
Member of Congress