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IN THE UNITED STATES DEPARTMENT OF ENERGY  
WESTERN AREA POWER ADMINISTRATION  
ONTARIO, CALIFORNIA

PARKER-DAVIS PROJECT - POST-2008 RESOURCE POOL  
PROPOSED PROCEDURES AND CALL FOR APPLICATIONS  
PUBLIC COMMENT FORUM

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Ontario, California  
December 2, 2004  
1:00 o'clock p.m.

REPORTED BY: CHRISTINE JOHNSON, RPR  
Certified Court Reporter #50383

PREPARED FOR: WESTERN AREA POWER ADMINISTRATION  
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Be it remembered that heretofore on December 2,  
2004, commencing at 1:00 p.m., at the Hilton Ontario  
Airport, Ontario, California, the following proceedings were  
had, to wit:

OPENING REMARKS Page  
BY MR. DOUGLAS N. HARNESS 3

COMMENTS 6  
BY MR. JERRY TOENYES

1           MR. HARNESS: I think we'll go ahead and try to  
2 get started here. On the record.

3           Good afternoon, Everyone. Welcome to today's  
4 Public Comment Forum. My name is Doug Harness. I'm an  
5 attorney with Western Area Power Administration out of our  
6 Lakewood, Colorado office, and I'll be today's moderator.

7           The purpose of this Public Forum is to give  
8 interested parties the opportunity to make oral  
9 presentations or submit written comments for record on the  
10 procedures proposed by Western for allocating the  
11 Parker-Davis Project post-2008 resource pool. The resource  
12 pool was created when Western decided to apply the Energy  
13 Planning and Management Program Power Marketing  
14 Initiative -- excuse me -- PMI to the Parker-Davis Project  
15 as publicized in the Federal Register Notice of May 5th,  
16 2003.

17           The resource pool consists of approximately  
18 17 megawatts of summer season capacity and 13 megawatts of  
19 winter season capacity, based on current estimates for  
20 Parker-Davis hydroelectric resource availability, which is  
21 to be allocated to eligible contractors for 20 years  
22 beginning October 1, 2008.

23           As part of this Public process, Western is also  
24 formally requesting applications from qualified entities  
25 wishing to purchase from the resource pool.

1           In addition to today's Forum, written comments may  
2 be submitted at any time during the comment period that ends  
3 on December 30th, 2004. These comments should be sent to  
4 Mr. J. Tyler Carlson, Regional Manager of Western's Desert  
5 Southwest Customer Service Region at P.O. box 6457, Phoenix,  
6 Arizona 85005-6457. Comments may also be submitted by fax  
7 to area code (602)352-2490 or by e-mail to "post2008PDP," or  
8 Parker-Davis Project, "@wapa.gov." All written comments  
9 received by Western will be posted on Western's web site at  
10 the end of the comment period.

11           A verbatim transcript of today's Forum is being  
12 prepared by today's court reporter. Everything said while  
13 we're in session today, together with all exhibits, will be  
14 part of the official record. Copies of today's transcript  
15 will be available to anyone who would like a copy upon  
16 payment of the required fee to the court reporter. And if  
17 you're interested in doing that, please see her after the  
18 Forum to get the address to that.

19           Copies of the transcript and the exhibits will be  
20 available for review in the Desert Southwest Customer  
21 Service Regional Office located in Phoenix, Arizona.

22           All comments made today should be relevant to the  
23 proposed procedures. As moderator, I reserve the right to  
24 disallow any comments that are not relevant to the subject  
25 matter of today's Forum. Any relevant materials to be

1 introduced in the record should be given to the court  
2 reporter and she'll assign it an exhibit number.

3           After the close of the Public Comment period,  
4 Western representatives will review all the information,  
5 comments and exhibits that have been received with regard to  
6 the proposal. Western will then announce a decision in the  
7 Federal Register -- Federal Register. Comments made during  
8 this Public process will be discussed in this announcement.

9           How we'll proceed today -- we did not have a  
10 speaker sign-up sheet, did we, Roy? Well, anyway, what  
11 we'll do it look looks like one person signed up on the  
12 speaker sign-up sheet. So we'll start with them and then  
13 we'll open the floor and others can make comments.

14           What we're going to do is to make it a little  
15 easier for the court reporter is we only have one  
16 microphone. When I get done, I'll pass it out and if you  
17 would please use it when you make your comments and break  
18 into song. We may or may not consider that relevant, I  
19 suppose, depending on what you pick.

20           But, anyway, before -- seriously if -- before you  
21 make your comments, if you would please identify yourself  
22 and the entity you represent and spell your name for the  
23 convenience of the court reporter.

24           Finally, please keep in mind that Western has no  
25 presentation today and will not be answering questions. The

1 sole purpose of this Forum is to take your comments

2           So with that, let me turn this off. And I believe  
3 Mr. Hitchcock, I think, was -- if I'm reading that  
4 correctly --

5           MR. HITCHCOCK: I thought that was the attendance  
6 sheet.

7           MR. HARNESS: Oh, okay. Well, then let me open  
8 the floor, I guess, to anybody who would like to make any  
9 comments.

10           MR. TOENYES: My name is Jerry Toenyes, last name,  
11 T-o-e-n-y-e-s, and I'm representing the San Louis Ray  
12 settlement parties, which consists of the San Louis Indian  
13 Water Authority, Vista Irrigation District, City of  
14 Escondido and five Bands of Mission Indians: The La Jolla,  
15 the Pala, the Pauma, Rincon and San Pasqual.

16           In general, we support the general eligibility  
17 criteria. We go specifically for our support for criteria  
18 B, that you have first consideration for eligibility due to  
19 applicants in the Parker-Davis marketing area who do not  
20 have a contract with Western for Federal power resources.

21           Also under criterion E of the general eligibility  
22 criteria, we'd like the language to be added to include a  
23 Congressionally-recognized tribal entity in that criteria.

24           We also support the general allocation criteria  
25 and particularly criteria C regarding the priority for the

1 allocation of firm power. And criterion J, the willingness  
2 of Western to provide economic benefits of Parker-Davis  
3 resources directly to tribes if unanticipated obstacles of  
4 Parker-Davis power arises.

5 We would support the condition of one more  
6 allocation criteria. We believe that the beneficiaries who  
7 made a prior allegation during the 1988 Parker-Davis  
8 resource pool allocation process and who did not receive an  
9 allocation should be a priority during this allocation  
10 procedure.

11 And then in the support for the general contract  
12 principles, we again support all those principles. We  
13 believe that the procedure in considering how new  
14 contractors will reimburse existing contractors for  
15 undepreciated replacement advances should be delineated in  
16 this process.

17 That concludes my brief oral comments, and we'll  
18 follow up with more details in written comments before  
19 December 30th.

20 MR. HARNESS: Thank you, Jerry. Would anybody  
21 else like to make any comments?

22 (Pause.)

23 MR. HARNESS: I'm not seeing any activity, any  
24 indication of that, which I'm taking as a sign that nobody  
25 else wants to make any comments. So we'll do "Going, going,

1 gone," I suppose.

2           And with that, I will proceed with the belief that  
3 nobody else wants to make any comments. So I guess we'll  
4 wrap things up. Thank you very much for coming today. We  
5 appreciate your attendance and your participation.

6           We would ask if you haven't already done so, that  
7 you sign the attendance roster that we have on the table  
8 outside the door as you entered because we'd like to have an  
9 accurate accounting of who attended today.

10           I'd also remind you that written comments are due  
11 on December 30th. So please keep that in mind. So, again,  
12 thank you for your attendance and participation, and the  
13 Forum is now closed. It will go off the record. Thank you.

14           (Whereupon, the proceedings terminated at 1:15  
15 p.m.)

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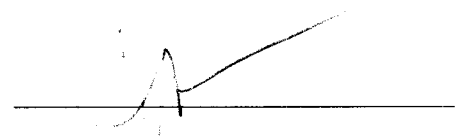
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I, CHRISTINE JOHNSON, having been first duly sworn and appointed as Official Court Reporter herein, do hereby certify that the foregoing pages numbered from 2 to 8, inclusive, constitute a full, true and accurate transcript of all the proceedings had in the above matter, all done to the best of my skill and ability.

DATED this 10th day of December, 2004.



CERTIFIED COURT REPORTER # 50383