

January 24, 2005

Mr. J. Tyler Carlson, Regional Manager  
Desert Southwest Region  
Western Area Power Administration  
P.O. Box 6457  
Phoenix, Arizona 85005-6457

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Dear Mr. Carlson:

The following comments are submitted regarding the Western Area Power Administration's (Western) notice of proposed procedures and call for applications from the Parker-Davis Project. The notice was published at 69 Fed. Reg. 58900 (October 1, 2004). The comments are submitted on behalf of the following eight tribal and non-tribal entities:

San Luis Rey Indian Water Authority  
Pala Band of Mission Indians  
Rincon Band of Mission Indians  
City of Escondido

La Jolla Band of Mission Indians  
Pauma Band of Mission Indians  
San Pasqual Band of Mission Indians  
Vista Irrigation District.

These entities are the beneficiaries of the San Luis Rey River Indian Water Rights Settlement Act, Public Law 100-675 (Title I), 102 Stat. 4000 (November 17, 1988), as amended (Settlement Act). They are referred to herein as the Settlement Parties. The Settlement Parties intend to apply for an allocation of Parker-Davis Project power to facilitate the implementation of the Settlement Act. All of the Settlement Parties are located in northern San Diego County, California, within the marketing area for Parker-Davis Project power referred to in 69 Fed. Reg. at 58900, and more specifically defined in 49 Fed. Reg. 50582 (December 28, 1984) Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects.

Representatives of the Settlement Parties attended the public information and public comment forums hosted by Western in Ontario, California, on October 27, 2004 and December 2, 2004, respectively. We appreciate the information received at those forums and take this opportunity to respond to the proposed general eligibility criteria, general allocation criteria, and general contract principles:

*General Eligibility Criteria.* We support all of the general eligibility criteria and note particularly our support for criterion B which gives first consideration for eligibility to applicants in the Parker-Davis Project marketing area who do not have a contract with Western for Federal power resources. We support criteria C and D that exempt Native American tribes from the requirements to be ready, willing, and able to receive and distribute or use power from Western

or to have utility status. We also support the language in criterion D which establishes that cooperatives, municipalities, public utility districts, and public power districts do not need to have utility status if they are only submitting an application for end use loads under their jurisdiction.

We recommend expanding the scope of criterion E to include any congressionally recognized inter-tribal entity, such as the San Luis Rey Indian Water Authority, which was confirmed in section 109 of Public Law 100-675 (Nov 17, 1988).

*General Allocation Criteria.* We support the proposed general allocation criteria, particularly the order of priority for the allocation of firm power and Western's willingness to provide the economic benefits of Parker-Davis resources directly to tribes if unanticipated obstacles to the delivery of Parker-Davis power arise.

We also support the addition of one more allocation criterion, which would provide that beneficiaries of an application submitted by an eligible applicant during the 1988 Parker-Davis Resource Pool Allocation Process who did not receive an allocation be given priority during this 2008 Resource Pool Allocation Procedure.

*General Contract Principles.* We support the general contract principles, although we believe the procedure requiring new contractors to reimburse existing contractors for undepreciated replacement advances should be delineated in this process.

Thank you for your consideration of these comments.

Sincerely,

Jerry Toenyas  
For the Settlement Parties