

STATE OF NEVADA

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COLORADO RIVER COMMISSION
OF NEVADA

January 28, 2014

**NOTICE AND AGENDA OF INFORMAL PUBLIC MEETING ON
AVAILABILITY OF HOOVER POWER**

The staff of the Colorado River Commission of Nevada will host three informal public meetings regarding the availability of Hoover power to Nevada entities beginning in 2017 and the Western Area Power Administration's proposed marketing criteria:

February 12, 2014 - Las Vegas, NV

9:00 a.m. – 11:00 a.m. PST
Grant Sawyer Office Building
555 E. Washington Ave. Ste. 4412
Las Vegas, NV 89101

February 12, 2014 - Pahrump, NV

2:00 p.m. – 4:00 p.m. PST
Bob Ruud Community Center
150 North Highway 160
Pahrump, NV 89060

February 13, 2014 - Overton, NV

1:00 p.m. – 3:00 p.m. PST
Moapa Valley Community Center
320 North Moapa Blvd
Overton, NV 89040

If you plan to attend, please register on-line at www.crchoverallocation.com or RSVP to Carla Miguel at (702) 486-2692 at least five days before the meeting.

AGENDA

1. Welcome and Introduction
2. Hoover Power Allocation Act of 2011
3. Western Area Power Administration Proposed Allocation Process & Timeline
4. Colorado River Commission of Nevada Allocation Process & Timeline
5. Questions & Comments

Members of the public who are disabled and require accommodations or assistance at this meeting are requested to notify the Colorado River Commission in writing or by calling (702) 486-2670 prior to the meeting.

IN ADDITION TO DIRECT MAILING TO INTERESTED PARTIES, THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

City of Las Vegas City Hall, 495 South Main Street, Las Vegas, NV

City of North Las Vegas City Hall, 2250 Las Vegas Boulevard North, North Las Vegas, NV

Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV

State of Nevada Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, NV

IN ADDITION, THIS NOTICE HAS BEEN FAXED FOR POSTING AT THE FOLLOWING LOCATIONS:

City of Boulder City Hall, 401 California Avenue, Boulder City, NV

City of Henderson City Hall, 240 Water Street, Henderson, NV

Esmeralda County, Courthouse, 233 Crook Avenue, Goldfield, NV

Eureka County, 10 South Main Street, Eureka, NV

Laughlin Chamber of Commerce, 1725 Casino Drive, Laughlin, NV

Laughlin Town Manager's Office, 101 Civic Way, Laughlin, NV

Lincoln County, 181 North Main Street, Pioche, NV

Mineral County, 105 South "A" Street, Hawthorne, NV

Nye County, 1520 East Basin Avenue, Pahrump, NV

White Pine County, Courthouse, 801 Clark Street, Ely, NV

Information is available on the Colorado River Commission's Post 2017 Hoover Remarketing website:

<http://www.crchoverallocation.com/>



Colorado River Commission of Nevada

Informal Public Meetings
on
Hoover Power Allocation Proceedings

Las Vegas, NV Pahrump, NV Overton, NV
February 12, 2014 February 12, 2014 February 13, 2014

Hoover Power for Nevada

- **Unique opportunity for energy generated from Hoover Dam**
- **Only third time in Hoover Dam history**
 - 1937, 1987, 2017
 - Next opportunity 2067
- **Goal of public outreach, make all eligible entities in Nevada aware of opportunity**
- **Provide information on first opportunity – due March 31, 2014**

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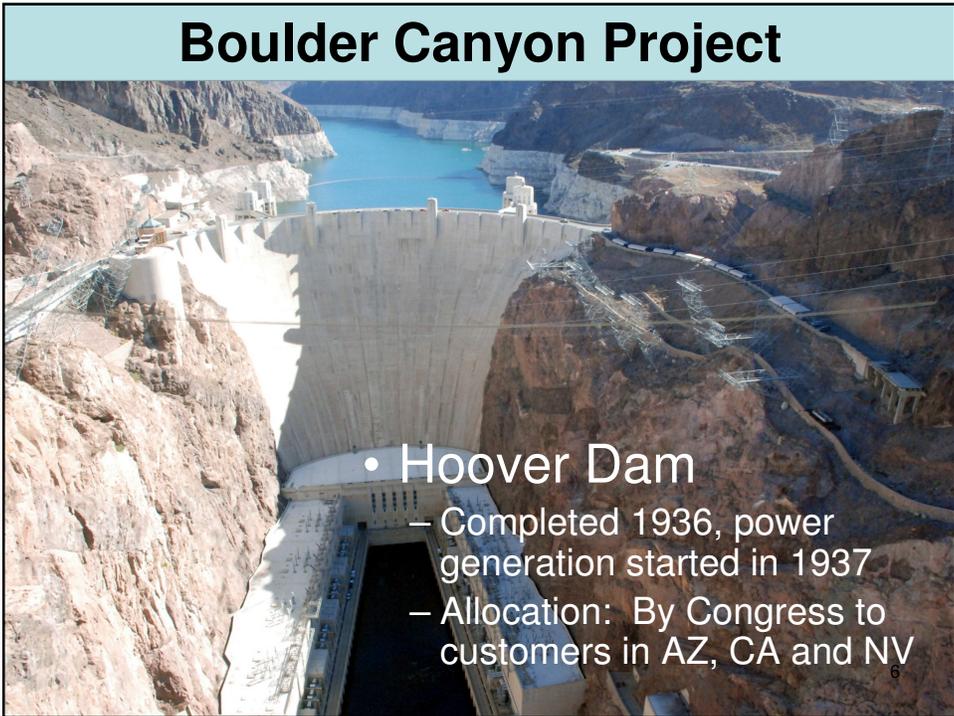
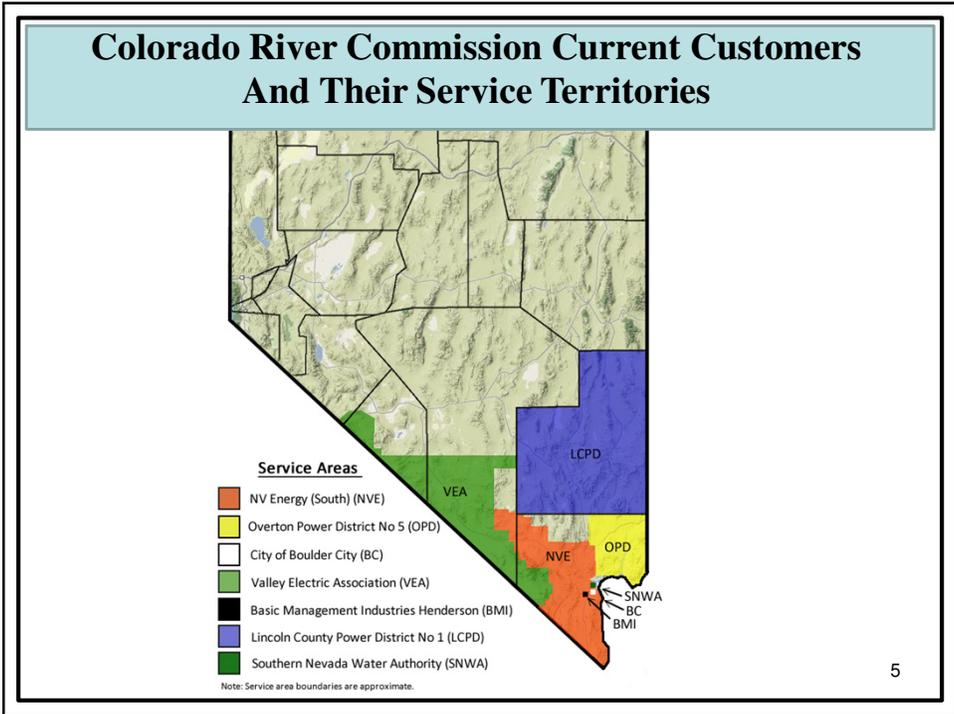
AGENDA	
TOPIC	SPEAKER
• Welcome and Introduction	Jayne Harkins (CRC)
• Who is the “CRC”	Jim Salo (CRC)
• What is Hoover Power?	Craig Pyper (CRC)
• Hoover Power Allocation Act of 2011	Craig Pyper (CRC)
• Western’s Allocation Process and Timeline	Mike Simonton (Western)
• CRC Allocation Process and Timeline	Lisa Ray (CRC)
• Questions and Comments	Panel
• Contact and Website Information	

CRC – Colorado River Commission of Nevada
Western – Western Area Power Administration

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Who is the “CRC”?
<ul style="list-style-type: none"> • Executive Agency of the State of Nevada • Created by Nevada Law in 1935 <ul style="list-style-type: none"> – <i>NRS 538.041 through NRS 538.251</i> • Responsibilities <ul style="list-style-type: none"> – <i>Protect Nevada’s water and power provided from the Colorado River</i> • Seven Member Commission • CRC Receives No General Funds. It is a Customer Funded Agency

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What is Hoover Power?

- Purpose of Hoover Dam
- Contingent Capacity
- Firm Energy
- Cost of Hoover Power

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Purpose of Hoover Dam

- Boulder Canyon Project Act of 1928
 - *SEC. 6. That the dam and reservoir provided for by section 1 hereof shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses....; and third, for power.*
 - Water needs drive Hoover power operations, not power needs

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What is Capacity?

Capacity

The maximum level of electric power that can be supplied at a point in time, measured in Megawatts (MW).

Contingent Capacity

The actual amount of capacity available based upon the lake level, unit outages and power plant improvements.

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Contingent Capacity - Examples

- Hoover's maximum rating is 2,074 MW when pressure from a full lake is spinning all 17 units
- Lower lake levels have reduced available capacity to the current rating of 1,737 MW
- Taking units out for service also reduces available capacity – only 1,415 MW are available for February 2014

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Contingent Capacity

- Each customer receives its contract percent of available capacity
- Units often taken off-line between October through May for repairs and maintenance.
- All units usually available June through September

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What is Energy?

Energy

The amount of electricity generated and delivered during a specified period of time:

Generation output over time is measured as Megawatt hours (MWh) or kilowatt hours (KWh)

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Firm Energy

- **Delivery of water downstream determines amount of energy generated annually.**
- **Current Hoover contract energy allocations total 4,527,001 MWh annually**

Hoover Generation and Deliveries		
Year	Total Delivered	Delivered to Nevada
2013	3,871,041 MWh	975,171 MWh
2012	4,003,600 MWh	1,000,564 MWh
2011	3,877,031 MWh	978,231 MWh
2010	3,619,844 MWh	911,891 MWh

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Cost of Hoover Power

- **By statute CRC must sell power at cost plus administrative adder**
- **Customers pay for costs of Hoover Dam**

Composite Rates		
Fiscal Year	Per MWh	Per KWh
2013	\$22.83	\$0.02283
2012	\$20.27	\$0.02027
2011	\$20.05	\$0.02005
2010	\$20.52	\$0.02052

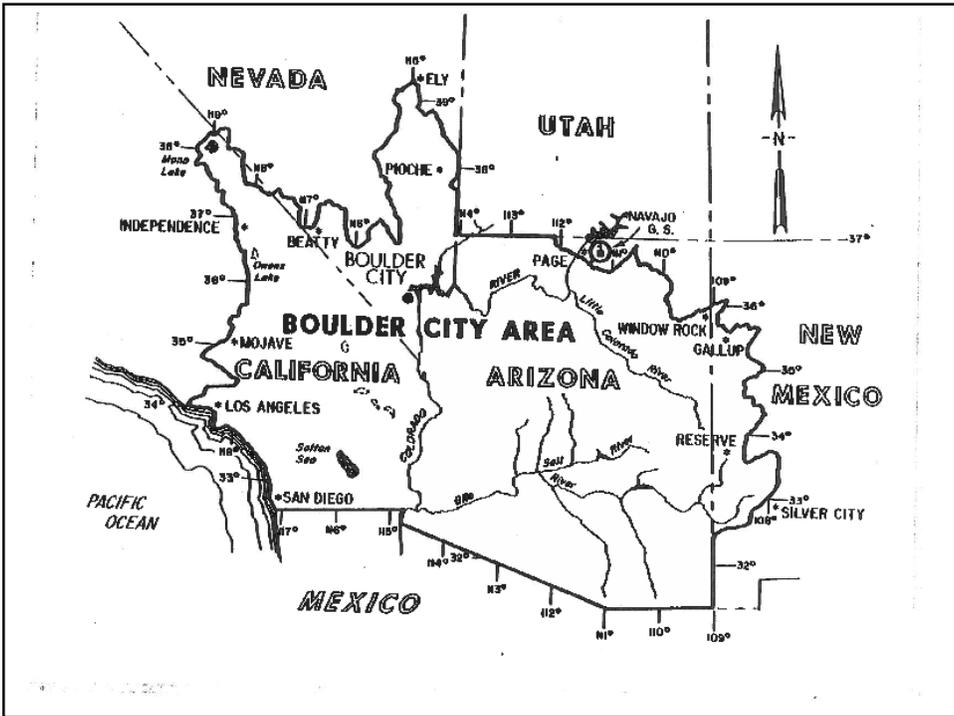
- *Composite rate include charges for: Hoover Energy and Capacity Base Charges; Lower Colorado River Basin Development Fund charge; CRC Administration and Lower Colorado River Multi-Species Conservation Program Charges*

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Hoover Power Allocation Act of 2011

- Extends 95% of power allocations to CRC for 50 years
- Allocates 5% of Hoover power to “new” customers
- Customers must have loads in the Boulder City Marketing Area

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Western Allocation Process & Timeline

Presentation to be given by Mike Simonton
from Western Area Power Administration

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Allocation to New Customers

- **Western process – 69 MW of contingent capacity and 151,013 MWh of Annual Energy to be allocated throughout Boulder City Marketing Area**
 - *Tribes will contract with Western*
 - *Non-tribal new customers in Nevada will contract with the CRC*
- **Each State process will allocate 11.5 MW of contingent capacity and 25,113 MWh of Annual Energy in the respective State**
 - *Arizona allocation through Arizona Power Authority (APA)*
 - *California allocation through Western*
 - *Nevada allocation through CRC*

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CRC's Allocation Process & Timeline	
Nevada New Customer Eligibility and Allocation Criteria.....	2014
Nevada New Customer Allocation Public Process.....	2015
Contracts.....	By end of 2016

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Questions & Comments

?

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Contact and Website Information

Colorado River Commission of Nevada

(702) 486-2670

email: info@crchoverallocation.com

<http://www.crchoverallocation.com>

<http://crc.nv.gov/index.asp>

Western Area Power Administration

(602) 605-2675

email: Post2017BCP@wapa.gov

http://www.wapa.gov/dsw/pwrmt/BCP_Remarketing/BCP_Remarketing.htm

<http://www.wapa.gov/dsw/dsw.HTM>



Final Marketing Criteria

- The Hoover Power Allocation Act of 2011 (HPAA) tasked Western to market portions of a newly established Schedule D. Marketing criteria is needed for Western to determine new allottees under Schedule D.
- Western conducted a series of informal meetings regarding the implementation of the HPAA with existing contractors, Native American tribes, and other interested parties.
- Subsequent to informal outreach, Western announced proposed marketing criteria in the Federal Register in October 2012. Public information and comment forums were conducted shortly thereafter.
- The comment period closed in January 2013.
- Many diverse comments were received from over 50 interested parties.

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Final Marketing Criteria

- The majority of comments received focused on three areas:
 - Western's authority to prescribe criteria and the nature of the criteria established.
 - The priority to be applied, in particular a first consideration to Native American tribes.
 - Minimum allocation provisions.
- Western's Authority:
 - The HPAA authorizes Western to allocate Schedule D to new allottees that are either eligible under Section 5 of the Boulder Canyon Project Act (Project Act) or Native American tribes. No further guidance on allocations was established.
 - Section 5 of the Project Act authorizes contracts with States, municipal corporations, political subdivisions, and private corporations under regulations prescribed by the Secretary in order to meet the public interest.
 - Western's final marketing criteria seek to market Schedule D in the public through most widespread use to a diverse customer base. Consistent with all applicable laws and regulations.

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Final Marketing Criteria

➤ Priority to be applied:

- Priority elements and limiting factors:
 - First consideration to Native American tribes up to 25% of the tribe's peak demand for all Federal allocations
 - Equal treatment for all other non-profit Section 5 applicants including rural electric cooperatives and municipal utilities other than electric utilities
 - Maximum 3 MW of Schedule D
- Supporting rationale:
 - Seeks to establish meaningful tribal allocations and provides first consideration for tribes
 - Consistent with provisions of the Energy Policy Act of 2005, the Department's tribal policies, and Western's historical efforts
 - Preserves a reasonable portion of Schedule D power for new entities eligible under Section 5
 - Promotes widespread use to diverse base of customers

○ First Consideration Example:

Tribal Applicant Peak Load of 10 MW
Existing Federal Allocation 1 MW



$10\text{MW} \times 25\% = 2.5\text{MW}$ (FES target)
 $2.5\text{MW} - 1.0\text{MW} = 1.5\text{MW}$ (BCP Allo)

3



Final Marketing Criteria

➤ Minimum allocation provisions:

- 100 kW minimum allocation
- Responds to comments received, retains flexibility for very small applicants, and minimizes the need for aggregation of applicants
- Retains a minimal threshold to warrant resource value
- Consistent with other Western allocation efforts (LAP, UGP, SNR)
- Operational protocols established within contracting process to minimize rounding and other scheduling issues associated with delivery of small allocations

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Final Marketing Criteria Summary

- Allocations to be made to new allottees not currently receiving an allocation of BCP, either from Western, APA, or CRC.
- Other than Native American tribes, applicants must be ready, willing and able to receive and distribute (or use) the power from Western by October 1, 2016.
- Native American tribes will receive a first consideration of up to 25% of their peak load when considering all Federal hydropower allocations.
- Western will consider the amount of applicant's load already served by Federal hydropower.
- Remaining Schedule D to be allocated to non-profit applicants eligible under Section 5 in proportion to their peak load.
- Applicants must choose and supply one of the last three calendar years of load information including 2011, 2012 or 2013.
- Minimum allocation of 100 kW.
- Maximum allocation of 3,000 kW.

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Application Summary

- Who is applying
 - Type of entity/organization
 - Any parental or member organizations
 - Geographic service area
 - Amount of power the applicant is requesting to be provided by Western
- Applicant's load
 - Type and number of customers
 - Actual monthly maximum demand (kW hourly peak) and energy use (kWh) experienced in one of the last three calendar years. Includes 2011, 2012, 2013. Applicant's discretion as to which of these years.
- Applicant's resources
 - List of current power supplies, including any self generation or purchases from others
 - Description of each power supplier and the type of power supplied
- Transmission arrangements
 - Requested points of delivery, if other than Mead Substation. Description of transmission arrangements needed to deliver to the points of delivery.
 - A brief description of the applicants ability to receive and use, or distribute federal power as of October 1, 2017

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Remarketing Milestone Goals

December 2013.....Finalize Marketing Criteria & Call for Applications

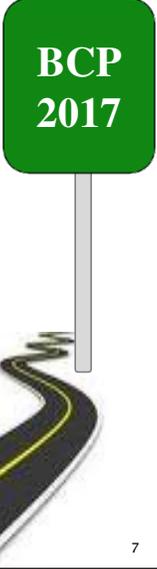
March 31, 2014.....Applications Due

Summer 2014.....Propose Allocations

Fall 2014.....Finalize Allocations

December 2015.....Finalize All Contracts

***Western is prepared to provide technical assistance throughout the application process**



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Key Western Project Members

<p>Mr. Darrick Moe Desert Southwest Regional Manager (602) 605-2453 Moe@wapa.gov</p>	<p>Mr. Doug Harness Attorney, Office of General Counsel (702) 962-7020 Harness@wapa.gov</p>
<p>Mr. Mike Simonton Project Manager for Power Marketing (602) 605-2675 Simonton@wapa.gov</p>	<p>Ms. Deborah Emler Assistant Regional Manager for Power Marketing (602) 605-2555 Emler@wapa.gov</p>

For more information on BCP Post2017 activities, including all notices, presentations, and comments, see Western's website at:
http://www.wapa.gov/dsw/pwrmt/BCP_Remarketing/BCP_Remarketing.htm

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Public Law 112–72
112th Congress

An Act

To further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

Dec. 20, 2011

[H.R. 470]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hoover Power Allocation Act of 2011.
State listing.
43 USC 619 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hoover Power Allocation Act of 2011”.

SEC. 2. ALLOCATION OF CONTRACTS FOR POWER.

43 USC 619a.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

(1) by striking “renewal”;

(2) by striking “June 1, 1987” and inserting “October 1, 2017”; and

(3) by striking Schedule A and inserting the following:

“Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	3,571,796”.

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

Effective date.

“(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

“Schedule B

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853”.

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking “June 1, 1987” and inserting “October 1, 2017”; and

(2) by striking Schedule C and inserting the following:

“Schedule C

Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona’s first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year’s 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California

“Schedule C—Continued

Excess Energy

Priority of entitlement to excess energy	State
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California”.

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2011, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as ‘Schedule D contingent capacity and firm energy’):

“Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

“(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as ‘new allottees’) for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term ‘the marketing area for the Boulder City Area Projects’ shall have the same meaning as in appendix A of the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the ‘Criteria’).

Effective date.

“(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in

Deadline.

Effective date.

this section as ‘Western’), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

“(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

“(II) federally recognized Indian tribes.

“(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

Deadline.
Effective date.

“(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

“(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

“(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

Deadline.

“(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

“(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State’s respective contribution (determined in accordance with each State’s applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the ‘Implementation Agreement’).

Deadline.

“(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy.”.

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended—

(1) in the first sentence, by striking “schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)” and inserting “paragraphs (1)(A), (1)(B), and (2)”; and

(2) in the second sentence—

(A) by striking “any” each place it appears and inserting “each”;

(B) by striking “schedule C” and inserting “Schedule C”; and

(C) by striking “schedules A and B” and inserting “Schedules A, B, and D”.

(f) **POWER MARKETING CRITERIA.**—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended to read as follows:

“(4) Subdivision C of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2011. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.”

Federal Register,
publication.
Notice.

(g) **CONTRACT TERMS.**—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated by subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;”;

(2) in the proviso of subparagraph (B)—

(A) by striking “shall use” and inserting “shall allocate”; and

(B) by striking “and” after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

“(E) permit transactions with an independent system operator; and

“(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2011.”

(h) **EXISTING RIGHTS.**—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking “2017” and inserting “2067”.

(i) **OFFERS.**—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

“(c) **OFFER OF CONTRACT TO OTHER ENTITIES.**—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this

section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.”.

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

“(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors’ allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.”.

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking “the renewal of”; and

(2) in the second sentence, by striking “June 1, 1987, and ending September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking “this Act” and inserting “the Hoover Power Allocation Act of 2011”.

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking “subsections (c), (g), and (h) of this section” and inserting “this Act”; and

(2) by striking “June 1, 1987, and ending September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

SEC. 3. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 20, 2011.

LEGISLATIVE HISTORY—H.R. 470 (S. 519):

HOUSE REPORTS: No. 112-159, Pt. 1 (Comm. on Natural Resources).

SENATE REPORTS: No. 112-58 (Comm. on Energy and Natural Resources) accompanying S. 519.

CONGRESSIONAL RECORD, Vol. 157 (2011):

Oct. 3, considered and passed House.

Oct. 18, considered and passed Senate.



Dated: December 20, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013-31085 Filed 12-27-13; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Post-2017 Resource Pool

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final marketing criteria and call for applications.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy (DOE), announces the Boulder Canyon Project (BCP) post-2017 resource pool marketing criteria and is calling for applications from entities interested in an allocation of Federal power from the BCP. The Conformed Power Marketing Criteria or Regulations for the Boulder Canyon Project (2012 Conformed Criteria) published in the **Federal Register** on June 14, 2012, as required by the Hoover Power Allocation Act of 2011, established general eligibility criteria and a resource pool (Post-2017 Resource Pool) to be allocated to new allottees. Western has finalized marketing criteria, developed through a public process, to be used to allocate the Post-2017 Resource Pool, which will become available October 1, 2017. These marketing criteria, in conjunction with the 2012 Conformed Criteria, establish the framework for allocating power from the Post-2017 Resource Pool. Entities applying for an allocation of power from the Post-2017 Resource Pool must submit formal applications as described within this notice.

DATES: Entities applying for an allocation of Federal power from Western must submit an application (see Applicant Profile Data (APD) in Section II) through one of the methods described below. Western will accept applications received on or before March 31, 2014. Western reserves the right to not consider any applications received after this date.

ADDRESSES: Applications must be submitted to Mr. Darrick Moe, Desert Southwest Regional Manager, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457. Applications may also be faxed to (602) 605-2490 or emailed to Post2017BCP@wapa.gov. Application forms are available upon request or may

be accessed and/or submitted online at http://www.wapa.gov/dsw/pwrmtk/BCP_Remarketing/. Applicants are encouraged to use the application form provided at the above Web site.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Simonton, Public Utilities Specialist, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, telephone number (602) 605-2675, email Post2017BCP@wapa.gov.

SUPPLEMENTARY INFORMATION:

The BCP was authorized by the Boulder Canyon Project Act of 1928 (43 U.S.C. § 617) (BCPA). Under Section 5 of the BCPA, the Secretary of the Interior marketed the capacity and energy from the BCP under electric service contracts effective through May 31, 1987. In 1977, the power marketing functions of the Secretary of Interior were transferred to Western by Section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) (DOE Act). On December 28, 1984, Western published the Conformed General Consolidated Criteria or Regulations for Boulder City Area Projects (1984 Conformed Criteria) (49 FR 50582) to implement applicable provisions of the Hoover Power Plant Act of 1984 (43 U.S.C. 619) for the marketing of BCP power through September 30, 2017.

On December 20, 2011, Congress enacted the Hoover Power Allocation Act of 2011 (Pub. L. 112-72) (HPAA), which provides direction and guidance in marketing BCP power after the existing contracts expire on September 30, 2017. On June 14, 2012, Western published the 2012 Conformed Criteria (77 FR 35671) to implement applicable provisions of the HPAA for the marketing of BCP power from October 1, 2017, through September 30, 2067. The 2012 Conformed Criteria formally established a resource pool defined as "Schedule D" to be allocated to new allottees. In accordance with the HPAA, Western allocated portions of Schedule D to the Arizona Power Authority (APA) and the Colorado River Commission of Nevada (CRC), respectively, as described in the June 14, 2012 **Federal Register** notice. Of the remaining portions of Schedule D, Western is to allocate 11,510 kilowatts (kW) of contingent capacity and associated firm energy to new allottees within the State of California, and 69,170 kW of contingent capacity and associated firm energy to new allottees within the Boulder City Area (BCA) marketing area as defined in the 2012 Conformed Criteria.

On October 30, 2012, Western published proposed marketing criteria to be used in the allocation of the Post-2017 Resource Pool. Public information and comment forums were held in Las Vegas, Nevada; Tempe, Arizona; and Ontario, California. Western received comments from existing power contractors, Native American tribes, cooperatives, municipalities, and other potential contractors. Transcripts of the public comment forums, as well as comments received, may be viewed on Western's Web site at <http://www.wapa.gov/dsw/pwrmtk>.

Response to Comments on the Post-2017 Resource Pool Marketing Criteria

Western received numerous comments on its proposed Post-2017 marketing criteria during the comment period. Western reviewed and considered all comments received. This section summarizes and responds to the comments received on the proposed Post-2017 Resource Pool marketing criteria.

Ready, Willing, and Able

Comment: Western should provide time flexibility for those seeking transmission arrangements to meet potential ready, willing, and able provisions.

Response: Western intends to work with potential allottees to the extent feasible to ensure sufficient transmission arrangements are in place by October 1, 2016. However, it is the allottees' ultimate responsibility to meet the ready, willing, and able provisions.

Comment: Western should accept a Memorandum of Agreement (MOA) or similar documentation between an applicant and a transmission distribution provider as evidence the applicant has met the ready, willing, and able requirements. Requiring applicants to develop and execute contractual agreements prior to notification of an allocation could create an unnecessary political and procedural hardship for some applicants.

Response: Applicants will need to demonstrate satisfactory arrangements to meet ready, willing, and able requirements by October 1, 2016. Final allocation determinations are anticipated to be established well in advance of this date. Therefore, applicants should have adequate time to develop and execute any necessary contractual arrangements. Western may accept an MOA or similar documentation between an applicant and a transmission and/or distribution provider if it establishes a legally-binding right of the applicant to receive the required services.

Comment: Request all applicants, including Native American tribes, be required to meet the same criteria such as the ready, willing, and able requirement.

Response: Western finds that certain exceptions for Native American tribes, such as the ready, willing, and able requirement, are consistent with DOE's American Indian and Alaska Native Tribal Government Policy (Tribal Policy), available at <http://energy.gov/em/downloads/doe-american-indian-and-alaska-natives-tribal-government-policy>, and recognizes the special and unique relationship between the United States and tribal governments. Western will work cooperatively with all applicants, but has found that additional flexibility in interacting with tribal applicants is important to ensure the successful implementation of tribal allocations.

Priority Consideration

Comment: The HPAA identifies certain classes of applicants that may ultimately qualify for allocations; it does not identify any mandatory criteria for Western to utilize in prioritizing those allocations. At some point, Western must make such decisions. Western's proposed prioritization is reasonable to determine fair and equitable allocations.

Response: Western agrees with this comment. Western has the need and the authority to prescribe marketing criteria consistent with historical BCP legislation in order to evaluate applications in the allocation of the Post-2017 Resource Pool.

Comment: Western proposes a prioritization of preference-eligible entities in making new allocations. What is Western's statutory authority for making this prioritization? How did Western determine the ranking among preference-eligible entities as proposed?

Response: Section 5 of the BCPA and Section 302 of the DOE Act as well as HPAA authorize Western to establish and apply regulations governing BCP allocations, including the formation of project-specific marketing criteria as proposed. Western's proposed marketing criteria were established to promote widespread use, be consistent with DOE's Tribal Policy, and respond to the public interest in a finite resource. Western concludes that providing an initial consideration for Native American tribes is appropriate based on comments received, and because tribes are specifically identified by the HPAA as eligible allottees and have not previously received allocations of Hoover power. The remaining eligible entities were prioritized to promote widespread use principles in a manner

that supports the public interest. However, after considering comments received, Western has decided not to differentiate among the non-tribal, non-profit eligible entities in the final marketing criteria.

Comment: Reclamation Law and its particular priorities do not apply to the Hoover power allocation process. The BCPA establishes specific power allocation and customer priorities, and these statutory requirements govern the Hoover allocation process.

Response: Neither the HPAA nor the BCPA provide for a specific method for determining allocations of BCP power to new entities described in Section 5. Section 5 of the BCPA specifically authorizes the Secretary "under such general regulations as he may prescribe" to contract for the sale of Hoover power and to resolve conflicting applications for the power "with due regard to the public interest." Western's public process provides a transparent means of exercising this authority in making final allocations when potential demand is very likely to exceed the available resource to be marketed.

Comment: Section 5 of the BCPA governs the allocation of power from Hoover Dam. Section 5(c) of the BCPA gave the three States of Arizona, California, and Nevada the first right, or a super-preference over all other Section 5 applicants, to apply for, obtain and share among themselves in the power generated at the dam. The states' application takes precedence over any other applicant.

Response: Section 5 of the BCPA cannot be applied in isolation in allocating Schedule D power. Under the HPAA substantial portions of BCP power, including portions of Schedule D, have been allocated to entities in Arizona, California, and Nevada, including the Arizona Power Authority and the Colorado River Commission of Nevada as the agencies specified by State law as the agents for their respective states to purchase power from the Boulder Canyon Project. Section 2(d) of the HPAA provides that the remaining Schedule D power must be allocated by Western to entities not receiving Hoover power under Schedules A and B ("new allottees"). Western concludes that allocating additional Schedule D power to the states would not be consistent with this provision of the HPAA. Furthermore, HPAA's direction to Western to allocate 33 percent of Schedule D equally to the States of Arizona, California, and Nevada with the remainder to be allocated within the marketing area to new allottees indicates a congressional intent for Western to adhere to its

historical practice of allocating the remaining portions of Schedule D based on the load or need of the applicants. The House Report for the HPAA (H.R. Rep. No. 112-159) also states that Western is expected to determine allocations by an assessment of the applicants power needs and act in objective manner consistent with Federal preference standards.

Comment: Absent direction from Congress, Western may not selectively implement elements of the BCPA Section 5 to the disadvantage of the "States," i.e., Arizona, California, and Nevada.

Response: Western is not selectively implementing Section 5 of the BCPA to the disadvantage of the states. Section 5 grants the Secretary broad discretion to allocate power in accordance with the public interest and does not require that all BCP power be allocated to the states.

Comment: The HPAA did not authorize Western to take actions that would result in the State of Nevada receiving less resource from the pool than it contributed to the pool. Western's allocation of the 69,170 kW of Schedule D to be marketed within the prescribed marketing area should be made in the same proportion as the states' respective contributions to the resource pool.

Response: The HPAA does not require Western to allocate the remaining portions of Schedule D on a state-by-state basis, and instead requires Western to allocate Schedule D to new allottees within the entire marketing area. Section 5 of the BCPA specifically grants the Secretary broad discretion to allocate power in accordance with the public interest. Western concludes that allocating Schedule D among eligible applicants based on their proportionate peak load serves the public interest while allocating based on the states' proportionate contributions to the resource pool does not.

Comment: Western's allocations of Hoover resources are governed by the HPAA and the BCPA and are not subject to the Preference Law concept in the 1939 Reclamation Act, so Western may not lawfully designate Rural Electric Cooperatives (Cooperatives) as potential new allottees in its allocation process; particularly when Congress was asked to include Cooperatives in Western's 69,170 kW allocation process under the HPAA, and declined to do so.

Response: Western's inclusion of Cooperatives among eligible entities is not based on the Reclamation Project Act of 1939, but rather on the language of the BCPA and the HPAA. In Section 5 of the BCPA, Congress identified "private corporations" as eligible

entities, together with states, municipal corporations, and political subdivisions (43 U.S.C. 617d). Further, Section 2(d)(2)(C)(i)(I) of the HPAA expressly provides (in relevant part) that Schedule D may be allocated to entities “eligible to enter into contracts under Section 5 of the Boulder Canyon Project Act. . . .” Therefore, under both statutes, Cooperatives as private corporations are eligible to receive allocations under Schedule D.

Beyond the language of the statutes, Western finds additional support for its interpretation in House Report 112–159, which specifically lists Cooperatives among entities eligible to receive allocations from the new proposed Schedule D.

Comment: The legislative history supporting the HPAA reflects the intent of Congress to ensure that Cooperatives are provided access to the power made available under Schedule D. However, that intent is not brought forth in the proposed marketing criteria, which state that Western will consider an allocation for a Cooperative after considering an allocation for federally recognized Native American tribes, municipal corporations, political subdivisions, irrigation or other districts, and other governmental organizations that have electric utility status. Western should ensure fair and equitable access to Cooperatives of Schedule D power.

Response: After considering comments and analyzing various options, Western has established marketing criteria that provide a first consideration to tribes and then treats all Section 5 non-profit entities equally. This results in an aggregation of all Section 5 eligible entities that are non-profit in nature, including Cooperatives. The first consideration to tribes is not intended to establish a tribal-only pool or to meet all tribal needs prior to other eligible applicants. Therefore, Western anticipates the criteria will provide opportunities to Cooperatives seeking Schedule D power.

Comment: Providing priority to Native American tribes, municipal corporations, and political subdivisions ahead of Cooperatives is an unprecedented departure in the treatment of traditional preference entities and is not consistent with the Congressional intent of HPAA. Western should consider applications of tribes on par with the applications of traditional preference entities such as Cooperatives and municipally-owned utilities.

Response: Western’s marketing criteria are intended to promote widespread use, be consistent with DOE Tribal Policy, and respond to the public

interest in a finite resource. Western has determined that providing an initial priority consideration for Native American tribes is appropriate based on comments received, and because tribes are specifically identified by the HPAA as eligible allottees and have not previously received an allocation of Hoover power. This first consideration for tribes is not intended to establish a tribal-only pool or to meet all tribal needs prior to other eligible applicants. Western anticipates the criteria will provide opportunity to Cooperatives, municipally-owned utilities, and political subdivisions seeking Schedule D power.

Comment: Clarity should be made in priority number 2 such that a municipal corporation or political subdivision that receives power and/or support from a Cooperative should retain a second priority and not be demoted to a third priority.

Response: Based upon comments received, the proposed priority criteria were modified to consider Cooperatives equally with other non-profit Section 5 entities. The final criteria do not distinguish between a municipal corporation or political subdivision that receives services from a Cooperative and the Cooperative itself.

Comment: The 2011 amendments to Section 5 of the BCPA gave federally recognized Indian tribes a preference on an equal basis with other Section 5 applicants.

Response: The HPAA establishes Native American tribes as eligible entities to receive power from the BCP. The HPAA does not prescribe a priority, preference, or direction related to Western’s consideration of eligible applicants.

Comment: Comments were received that support a first priority to tribes. Priority to tribes will help redress the historic lack of tribal access to project benefits and is consistent with the HPAA, Western’s trust responsibility to tribes, Western’s precedent in other marketing efforts, Western’s administrative discretion as provided in Reclamation Law, underlying Congressional intent, and HPAA’s directive that Western fairly and equitably determines allocations from the new power pool.

Response: Western finds merit in the retention of a tribal priority. Western has consistently provided increased opportunities for Native American tribes. Such consideration has been extended to tribes as Western seeks to promote Federal tribal initiatives as described in Title 5 of the Energy Policy Act of 2005 and DOE’s Tribal Policy. The first consideration for tribes does

not constitute a tribal-only pool or mean that all tribal needs will be met prior to other eligible applicants.

Comment: Allocations should meet the peak tribal demand requirement before allocations are made to the next priority.

Response: Western finds merit in the retention of a first consideration for tribes. However, it is anticipated that the demand for Schedule D power will far exceed what is available, and Western is not prescribing a tribal-only pool. Allocating the Post-2017 Resource Pool to fully meet peak tribal demands prior to making allocations to Section 5 entities would likely hinder Western’s ability to allocate Schedule D power to non-tribal entities and would restrict the promotion of widespread use to a diverse base of customers.

Comment: Priority for Native American tribes should be capped at a maximum of 50 percent of new power allocations available to all states combined to all or any Native American tribes.

Response: After considering comments and analyzing various options, Western has established marketing criteria providing tribes first consideration for an allocation of up to 25 percent of their peak load, considering all Federal power allocations and a 3,000 kW maximum allocation for any applicant. These criteria seek to establish meaningful tribal allocations while also preserving a reasonable portion of Schedule D for new entities eligible under Section 5 to promote widespread use to a diverse base of customers.

Comment: Congress did not intend for the federally recognized tribes to have exclusive rights to the Schedule D power, and the priority criteria will operate as such if there are sufficient applications for allocations.

Response: Western’s marketing criteria does not establish a tribal-only pool; the first consideration given to tribes will extend up to 25 percent of their peak loads, considering all Federal power allocations and the 3,000 kW maximum allocation for any applicant. These criteria seek to establish meaningful tribal allocations while also preserving a reasonable portion of Schedule D power for new entities eligible under Section 5 to promote widespread use to a diverse base of customers.

Comment: There should be no priority among all BCPA Section 5 entities and federally recognized Native American tribes. Allocations should be based on other marketing criteria elements, such as the actual load or energy demand of each applicant, whether the applicant

already receives the benefits of a Federal power resource, and the applicant's ability to take delivery of the energy to meet their load.

Response: After considering comments and analyzing various options, Western has retained a first consideration for tribes, but modified the marketing criteria to aggregate all Section 5 eligible entities that are non-profit in nature for allocations after meeting up to 25 percent of tribal peak load when considering all Federal allocations.

Comment: Public water agencies should have an equal opportunity to obtain Federal energy resources that are reserved for the public benefit. The provision of public utility service is of equal benefit to the public, whether the utility is water or electric service.

Response: After considering comments and analyzing various options, Western has established marketing criteria that aggregates all Section 5 eligible entities that are non-profit in nature. Therefore, water and electric utilities will be treated equally.

Comment: Absent direction from Congress, Western may not impose an "electric utility status" priority or requirement on potential allottees, particularly when Congress declined to adopt a proposed amendment to the HPAA seeking preference for full-service public power providers. Giving priority to entities having electric utility status would eliminate or at least prejudice the status of all otherwise eligible applicants who are customers of electric utilities. The marketing criteria should include municipal corporations and political subdivisions including irrigation or other districts, municipalities and other governmental organization without electric utility status. Western should eliminate the priority for having electric utility status.

Response: After considering comments and analyzing various options, Western has determined there is no need to retain the provisions regarding electrical utility status for establishing allocations.

Comment: Comments were received that support Western's continued adherence to its historic policy of allocating Hoover power to new tribal customers without regard to their "electric utility status." This supports broad inclusion of new tribal customers, and nothing in the legislation or legislative record contradicts Western's adherence to this practice with respect to the Hoover allocation.

Response: After considering comments and analyzing various priority options, Western has not

retained an electrical utility status priority or requirement for applicants.

Comment: There is no statutory requirement linking eligibility to an entity having electric utility responsibility, nor ownership of electric distribution facilities. Support the inclusion of public utilities other than electric utilities as it is essential to meet the "widest use" statutory requirements and public policy objectives.

Response: After considering comments and analyzing various priority options, Western has not retained an electrical utility status priority or requirement for applicants.

Comment: The proposed criteria properly give priority to municipal utilities and irrigation districts. Such entities should receive priority in the Post-2017 remarketing.

Response: After considering comments and analyzing various options, Western has established marketing criteria that aggregates all Section 5 eligible entities that are non-profit in nature for allocations after meeting 25 percent of tribal peak load when considering all Federal allocations.

Comment: The HPAA provides for Schedule D for "entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B). . . ." Western's proposed marketing criteria do not include that criterion. The marketing criteria must adhere to statutory directives in the allocation of the Post 2017 Resource Pool.

Response: Part VI Section D of the 2012 Conformed Criteria states in part that "Western shall offer Schedule D contingent capacity and firm energy to entities not receiving contingent capacity and firm energy under Section A (Schedule A) or Section B (Section B) (referred to herein as "New Allottees") for delivery commencing October 1, 2017." Therefore Western's marketing criteria does adhere to applicable statutory directives. Based on comments received, Western has further clarified in the final marketing criteria that entities receiving Schedule A or Schedule B contingent capacity and firm energy from APA or CRC will not be eligible for an allocation as a new allottee.

Comment: If there is insufficient power available for interested and eligible entities within a subgroup, Western should give priority to applicants within each tier that would use the resource to advance environmental objectives.

Response: After considering this comment, Western has determined not to adopt the suggested priority for applicants that would advance

environmental objectives. Such a priority is not addressed in either the BCPA or HPAA, and Western is not aware of applicable criteria to determine which uses would advance environmental objectives.

Comment: Western should avoid allocation to only the first priority tier in order to promote widespread use to a diverse base of customers. Western should reserve portions of power for subsequent tiers to meet demands of more than just the first priority tier.

Response: Western agrees with this comment. Although final allocations are dependent upon the applications received, Western does not anticipate allocating the entire Schedule D resource pool to a single category. In response to comments of this nature, Western has established a 3,000 kW maximum allocation. The 3,000 kW maximum allocation will be applied to all entities receiving an allocation of Schedule D. The final marketing criteria seek to establish meaningful tribal allocations and preserve a reasonable portion of Schedule D power for new entities eligible under Section 5 to promote widespread use to a diverse base of customers.

Comment: Would there be any power reserved for each priority group?

Response: Final allocations are dependent upon the applications received. However, Western anticipates allocating power to both tribal entities and entities eligible under Section 5 of the BCPA. In response to comments of this nature, Western has established a 3,000 kW maximum allocation. The maximum allocation criterion will help promote widespread use to a diverse base of customers.

Comment: With regard to municipal water utilities, what is meant by the independently governed standard?

Response: After considering comments, Western has eliminated this requirement.

Comment: If allocating to an aggregated entity, is its priority established by the nature of its members, or its own nature?

Response: Eligibility and priority will be determined based upon the nature of the applying entity. All members of an aggregated entity must be themselves defined as an eligible entity.

Consideration of Existing Federal Power Resource Allocations:

Comment: In this Hoover allocation effort, Western should impose a maximum of five percent reduction on new tribal customers receiving the benefit of other Federal hydropower resources.

Response: Under Western's marketing criteria, first consideration will be given to tribes for up to 25 percent of their peak loads considering all Federal power allocations. Western finds merit in considering the direct or indirect benefits of all Federal power allocations of all applicants, without limitation, to ensure Federal power is spread widely and equitably among eligible entities.

Comment: In order to advance the "widest use" public policy objective, Western should deem entities currently receiving any Western allocation, not just BCP resources, to be ineligible for Schedule D resources.

Response: Western will not deem entities to be ineligible based solely upon existing Western allocations from other projects; however, all existing Western allocations will be considered in the allocation process to advance widespread use principles.

Comment: While it is understood that Western has not proposed to exclude or reprioritize tribes that currently have an allocation of Federal power, tribes should not be blocked from receiving an allocation, by disqualification or reprioritization, on the basis of a prior Federal resource allocation.

Response: Western will not prevent a tribe from receiving an allocation solely because it currently receives an allocation from another Western project. First consideration will be given to tribes to receive up to 25 percent of their peak loads considering all Federal power allocations.

Comment: Preference should be given first to tribes, regardless of receiving any other Federal hydropower allocation, and then to non-tribal entities, if there is any Hoover power left.

Response: Western's marketing criteria does provide first consideration to tribes for up to 25 percent of their peak loads considering all Federal power allocations. Western finds merit in providing opportunity for non-tribal applicants and that it is consistent with the intent of the HPAA. Western anticipates the marketing criteria will promote Federal tribal initiatives and provide opportunity for non-tribal applicants.

Comment: Western should consider other Federal power allocations as well as the availability of other lower cost power to the applicants. Greater consideration should be given in instances where Hoover power is the only lower cost power available to the applicant. First priority should be provided to eligible entities that currently do not have a contract with Western for Federal power resources or are not a member of a parent entity that

has a contract with Western for Federal power.

Response: Western will consider any other Federal power allocations the applicants receive, either directly from Western or indirectly through a parent or host entity, when making allocation determinations, but will not consider the price of power as prices change over time and there are a number of variables that may be influencing such prices.

Load Data and Application Assistance

Comment: Technical assistance provided by Western in the preparation of an application for Hoover power should be made available equally to any eligible applicant.

Response: Western agrees with this comment and will endeavor to assist all those in need of technical assistance.

Comment: Western should seek representative load data from applicants when available and allow applicants to supplement such load data with other information, including aggregated load data, to support any request for an allocation as well as estimating loads where historical information is not available. Recommend Western consider new or future loads in establishing allocations.

Response: Western will base allocations to eligible applicants on actual loads experienced in one of the last three calendar years, i.e., calendar years 2011, 2012, or 2013, as designated by the applicant. For Native American tribes, Western may use estimated load values if actual load data is not available. An applicant will be able to submit other information it deems pertinent to receiving an allocation. Such information will be considered at Western's discretion. Consideration of future loads would introduce speculation and unquantifiable collective risk across all applicants and will not be the foundation of establishing allocations.

Comment: Suggest Western consider allowing applicants to provide a broader range of load history than just one year at their election. Western should allow consideration of the historical load experienced by an eligible applicant over the previous three year period if an applicant can demonstrate significant load/demand variance and can explain the basis for the variance.

Response: Western will base allocations to eligible applicants on actual loads experienced in one of the last three calendar years, i.e., calendar years 2011, 2012, or 2013, as designated by the applicant. For Native American tribes, Western may use estimated load values if actual load data is not available. Western anticipates that this

will provide additional flexibility than the proposed most recent calendar year and will maintain a comparable and manageable basis for allocations.

Minimum Allocation and Aggregation

Comment: Western should not allocate Hoover power that has access to the dynamic signal in such small increments as to be non-cost-effective.

Response: Under the HPAA and the 2012 Conformed Criteria, all BCP Contractors are entitled access to the dynamic signal regardless of the size of their allocation. While allocations may be made as small as 100 kW, Western's anticipates the establishment of operational protocols to enable Western and the contractors to meet industry scheduling parameters such as scheduling in whole megawatt (MW) values. These operational protocols may assist in the cost effectiveness of managing small allocations.

Comment: Western has stated that the administrative costs associated with dealing with small allocations will be subsumed into general administrative costs and spread over the entire allocation base. Why would other allottees be required to subsidize a cost that can be allocated directly to a particular allottee? Is this subsidy going to reach across all Hoover contractors?

Response: Western's costs for the administration of power allocations are tracked and accounted for each Federal project at the functional activity level (scheduling, dispatching, marketing, etc.) rather than for each contractor. This is true of all Federal projects administered by Western, including the BCP. These costs are aggregated and included in the Federal project's revenue requirement. Each contractor pays its proportionate share of the revenue requirement on a per unit cost basis. This accounting treatment conforms to generally accepted accounting principles and is consistent with Federal Energy Regulatory Commission (FERC) regulations, FERC's prescribed uniform system of accounts for electric utilities, and DOE's accounting practices. Western concludes this is an acceptable means of cost recovery across customers of variable allocations sizes.

Comment: Western can appropriately address its allocation rounding concerns solely through operational protocols.

Response: Western agrees with this comment and, therefore, has lowered the minimum allocation threshold for the BCP from 1,000 kW to 100 kW. Western anticipates establishing operational protocols in the contracting process to minimize rounding and other

issues associated with the delivery of small allocations.

Comment: The commenter supported the ability of applicants to aggregate loads to meet minimum allocation requirements.

Response: Western's proposed marketing criteria included minimum allocations of 1,000 kW; Western also proposed allowing applicants to aggregate their loads to meet this requirement. After considering comments, Western is adopting a minimum allocation of 100 kW for each applicant, which may include an aggregated entity. However, note that scheduling protocols require a 1 megawatt (MW) minimum; therefore, smaller entities will likely need to formulate aggregation arrangements to facilitate deliveries. The adoption of a much lower minimum allocation is anticipated to eliminate the need for aggregation for allocation purposes.

Comment: Support for the establishment of allocation criteria that provides tribes with maximum flexibility to access Schedule D power. Western should ensure that the implementation of an aggregation mechanism does not result in a loss of Schedule D power to new entities due to a given allottee's inability to meet Western's aggregation standards. Western must implement the tribal priority to ensure that allocations to willing and eligible Schedule D allottees are satisfied to the maximum extent feasible prior to the returning any Schedule D power to Schedule A and B contractors.

Response: After considering comments, Western is adopting a minimum allocation of 100 kW for each applicant, which may include an aggregated entity. Therefore, perceived risk associated with aggregation to receive an allocation has been minimized. Western agrees that efforts should be made to distribute Schedule D power to new allottees. Therefore, Western has established marketing criteria element "M", which results in allocated Schedule D resource that is not put under contract by October 1, 2016, to be redistributed to other new allottees that have been allocated and contracted for Schedule D with Western. This criterion is anticipated to ensure all of the Schedule D resource that Western allocates will be retained by new allottees.

Comment: Comments were received that oppose any minimum allocation. Western has not demonstrated sufficient justification to require the proposed minimum 1,000 kW allocation criteria or to require new customers to enter into an "aggregation arrangement" in

order to satisfy the requirement. Western has offered no justification for the minimum allocation criteria other than for its own convenience, which, by itself, is not a justification. This requirement penalizes the smallest scale new customers, a group consisting overwhelmingly of small tribes in the service area. Western should proceed without of a minimum allocation requirement.

Response: After considering comments, Western is adopting a minimum allocation of 100 kW for each applicant, which may include an aggregated entity. The 100 kW minimum has been established to assist Western in adhering to sound business principles when establishing allocations. An allocation of less than 100 kW is of such a small magnitude it has historically not yielded meaningful value to the allottee. In times in which a benefit or bill crediting arrangement has been sought, allocations of less than 100 kW have experienced significant difficulty in acquiring a benefit or bill crediting partner willing to engage in transactions for this quantity of power. This 100 kW minimum allocation threshold has been successfully applied in other Western marketing efforts and Western finds merit in establishing it for this allocation process.

Comment: Linking individual allocations with some type of allocation share penalty due to scale is unprecedented and without justification. Western regularly manages the Hoover and other hydropower resources in less than full megawatt quantities. Therefore, given the total number of potential new tribal Hoover customers, Western's approach of only whole megawatt allocations would be prejudicial and would only penalize tribes.

Response: Western has historically established minimum allocation and/or load thresholds to maintain sound business principles. After considering comments, Western has eliminated a 1,000 kW minimum allocation and is instead adopting a minimum allocation of 100 kW. This significant reduction in the minimum allocation provides opportunity for small applicants while also establishing a practical threshold to ensure the allocation has sufficient value to warrant its implementation. However, note that scheduling protocols require a 1 MW minimum; therefore, smaller entities will likely need to formulate aggregation arrangements to facilitate deliveries.

Comment: Further clarification is needed for an applicant seeking an allocation of less than 1,000 kW. When would communication of how

scheduling arrangements will work be expected? Since all non-tribal Arizona allocations will be going through the APA, would those arrangements be sufficient to meet any load aggregation requirements?

Response: After considering comments, Western has eliminated a 1,000 kW minimum allocation and is instead adopting a minimum allocation of 100 kW for each applicant, which may include an aggregated entity. Communications concerning scheduling arrangements and other operational related issues will occur during the contracting process. Allocations to non-tribal Arizona applicants offered through the APA will not be considered an aggregation arrangement. Applicants seeking less than 100 kW must meet the load aggregation requirements in some other manner.

Comment: The aggregation concept is vague as defined. Western should utilize the aggregation concept consistent with its historic allowance for aggregation on a voluntary basis in arranging for allocation scheduling and/or delivery. Allocating less than whole megawatts to tribes will not end up creating scheduling and operational problems for Western. Due to the limited number of tribal utilities, the vast majority of tribes would need to enter into some type of benefit crediting arrangement. This would achieve Western's expressed goal of aggregating the less than whole megawatt allocations.

Response: Western's proposed marketing criteria included minimum allocations of 1,000 kW and allowed applicants to aggregate their loads to meet this requirement. After considering comments, Western is instead adopting a minimum allocation of 100 kW for each applicant, which may include an aggregated entity. Western anticipates establishing operational protocols in the contracting process to minimize issues associated with the delivery of small allocations.

Comment: Western should accept a MOA or similar document between members of an aggregated group as demonstration of the group's intention and ability to apply for an aggregate load.

Response: To be considered for an allocation, the aggregated group, as the applicant, must be an eligible entity as defined by the HPAA and the 2012 Conformed Criteria, and must provide sufficient documentation demonstrating this eligibility. All members of an aggregated entity must be themselves defined as an eligible entity. Western may accept the use of a MOA or similar documentation between members of an aggregated group as demonstration of

the group's intention and ability to apply for an aggregate load if it establishes a legitimate, legally-binding aggregation of the members as determined by Western.

Comment: Western should address the authority for allottees to join together and the nature of their ability to do so in terms of the type of entity that would have to be utilized. Where do these envisioned entities classify under Section 5 of the BCPA eligibility definition?

Response: In order to be eligible for an allocation, the entity submitting the application must either be a Native American tribe or a Section 5 entity. The determination of whether the applicant meets these requirements will be made on a case-by-case basis.

Economic Benefit to Tribes

Comment: The HPAA makes specific reference to the Secretary of Energy obligation to offer capacity and energy under Schedule D. While Western may desire flexibility to provide an equivalent benefit as set forth in subsection L, the statutory language of the HPAA limits the Secretary to providing contingent capacity and firm energy.

Response: The HPAA requires that Western allocate the contingent capacity and firm energy to eligible entities by December 2014, and place it under contract by October 1, 2017. It does not prohibit Western from including provisions in the contracts to provide the economic benefits to allottees should issues with the delivery of the service occur. It is anticipated that economic benefits would be achieved through arrangements with third-party benefit-crediting or bill-crediting partners.

Comment: Western should clarify what is meant by "unanticipated obstacles" and "economic benefit" as these terms are used in these proposed criterion. This criterion should either be eliminated or applied to all eligible applicants equally.

Response: The phrase "unanticipated obstacles" refers to unexpected barriers to delivery of the electric service. In such instance, Western will follow its historic practice of allowing tribes to contract with a third-party for benefit or bill-crediting arrangements yielding the economic value (economic benefit) of the delivered power directly to the tribe. This will only be available to tribes.

Additional Marketing Criteria Comments

Comment: Requirements to execute a contract within six months of receiving a contract offer from Western and

requirements related to transmission or distribution service in place by October 1, 2016 are acceptable.

Response: Western agrees with these comments and has retained this requirement.

Comment: Western's marketing effort schedule should be compressed to establish final allocations sooner than the summer of 2014 in order to provide tribes more time to reach contractual arrangement for the beneficial delivery of Hoover power to their communities.

Response: Western intends to complete the marketing effort through a public process as soon as possible, but anticipates that this will occur in the summer of 2014.

Comment: Western should adopt the plain language of the HPAA defining "new allottees" as "entities not receiving contingent capacity and firm energy" under Schedules A and B, and the clear intent of Congress to "further allocate and expand the availability of hydroelectric power generated at Hoover Dam." Existing customers of APA and CRC who have a sub-allocation for Schedules A and B through APA or CRC should not be eligible applicants for Schedule D from Western. All applicants should only be eligible to receive only one allocation of power among all the available Schedule D established via the HPAA.

Response: The HPAA defines "new allottees" as entities not receiving contingent capacity and firm energy under Schedule A and Schedule B. This definition excludes not only the contractors named in those schedules, but also entities receiving sub-allocations of the capacity and energy. Therefore, neither the listed contractors nor their sub-allottees will be eligible for an allocation from the Post-2017 Resource Pool. Post-2017 sub-allocations of BCP power made by APA or CRC subsequent to Western's allocation process are to be established through the respective APA or CRC allocation process.

Comment: The HPAA indicates that Schedule D is intended to go to new allottees, which are entities that are not named in the legislation. APA customers are not named in the legislation. APA customers have no assurances that anything allocated to APA will come their way. APA customers should be treated as potential new allottees to avoid potential exclusion. Request further explanation on how Western intends to proceed.

Response: The HPAA defines "new allottees" as entities not receiving contingent capacity and firm energy under Schedule A and Schedule B, and not as entities that are not named in the

legislation. Therefore, Western will not provide an allocation to any entity currently receiving Schedule A or Schedule B power.

Comment: Western should consider allocation to existing APA customers with withdrawal provisions in the event that allottee was to be allocated further BCP resource from APA.

Response: Western has not adopted this proposal. The HPAA requires Western to allocate Schedule D power by December 2014 for delivery commencing on October 1, 2017. It is currently unclear when APA allocations will be made. Western cannot ensure there would be sufficient time to make subsequent allocations and contracts for any Schedule D power made available after conclusion of the APA process. Western concludes that implementation of its allocation process contingent upon such external factors is not practical.

Comment: Western may not, through its administrative processes, impose standards, requirements or limitations on potential new allottees, that are inconsistent with or not authorized by Federal law specific to the BCP.

Response: Western's marketing criteria are in compliance with Federal law specific to the BCP.

Comment: Western must contract directly with each tribe receiving Hoover power. Western has identified no precedent for deviation from such a practice and, in fact, Western has never contracted in any manner other than directly with its allocation recipients.

Response: Western intends to contract directly with each tribe receiving an allocation.

Comment: Western should clarify how it will treat customers eligible for receiving Hoover allocations through the States of Nevada or Arizona.

Response: The HPAA states that the Western Schedule D allocations in Arizona and Nevada to other than Native American tribes are to be offered through APA and CRC, respectively. Therefore, after making any allocations to non-tribal entities in those states, Western will contractually provide the capacity and energy to APA and/or CRC, which will contract directly with the allottee. The contracts between APA and/or CRC and the allottee must contain all contract terms required by the HPAA, the 2012 Conformed Criteria, and any necessary provisions prescribed in Western's contracts with APA and/or CRC.

Comment: Western should publish in a single document all of its criteria and regulations regarding or impacting BCP, including the relevant portions of the 1984 marketing criteria as well as the material resulting from its actions on the

June 14, 2012, and October 30, 2012

Federal Register notices.

Response: Although Western will not combine all that information into one hard copy document, those materials are all available for review at Western's BCP Web site located at http://www.wapa.gov/dsw/pwrmt/BCP_Remarketing/BCP_Remarketing.htm.

Comment: Western's identified procedure to address the allocation of Schedule D is vague. Matters not clarified by Western's proposed criteria may constitute a new agency action. Western must provide a supplemental opportunity to address any new criteria created as part of this public comment process prior to making any allocations.

Response: There are no new criteria contained in this notice. The final criteria are all refinements of the proposed criteria developed in consideration of the comments Western has received. Therefore, Western concludes that it is not necessary to conduct further public processes to establish these marketing criteria.

Comment: Western should explain the formula for determining and allocating excess energy in written procedures during the allocation process.

Response: This process concerns only the allocation of Schedule D power and not the allocation of Schedule C excess energy under the HPAA. Therefore, no explanation or procedures concerning excess energy are being provided in this notice.

Comment: All applicants should only be eligible to receive one allocation of BCP power from Western or APA and/or CRC.

Response: After considering this comment, Western is not promulgating additional requirements or regulations to be imposed within the APA and/or CRC BCP allocation efforts. Western does not have the authority to prescribe requirements upon APA and CRC in their processes for marketing BCP power within their respective states. These provisions are also not provided for in either the BCPA or the HPAA.

Comment: Western should clarify in the final marketing criteria that the revised marketing criteria for Post-2017 apply solely to the allocation of Schedule D resources made available by the HPAA. Support a fair, transparent, detailed, and documented written process via the public record for the allocation of BCP resources.

Response: Western agrees with this comment and believes that it has appropriately done so. Western is adopting the final marketing criteria after considering comments received through its public process.

Comment: Questions were submitted concerning a potential applicant's load location relative to the BCA marketing area and the contract terms that will be applicable to the sale of BCP power, such as if Hoover power is considered green/renewable, if any purchased firming power would be green/renewable, treatment of transactions with an Independent System Operator (ISO), ISO scheduling points, and provision of referenced documents and related contracts.

Response: Questions of this nature are outside the scope of the marketing criteria proposals. Questions concerning contract terms and individual applicants will be addressed later in the marketing process, as appropriate.

I. Final Post-2017 Resource Pool Marketing Criteria

The following general marketing criteria shall be applied to applicants seeking an allocation of power from the Post-2017 Resource Pool. This includes the 69.17 MW of Schedule D to be allocated within the entire marketing area and the additional 11.51 MW of Schedule D to be allocated within the State of California.

A. Allocations of power will be made in amounts determined solely by Western in the exercise of its discretion under Reclamation Law, including the HPAA.

B. Allocations will be made only to new allottees, defined in the HPAA as entities not receiving Schedule A and Schedule B contingent capacity and firm energy. An entity receiving Schedule A or Schedule B contingent capacity and firm energy from APA or CRC will not be eligible for an allocation as a new allottee.

C. An allottee may purchase power only upon the execution of an electric service contract and satisfaction of all conditions stated within that contract.

D. Eligible applicants, except Native American tribes, must be ready, willing, and able to receive and distribute or use power from Western. Ready, willing, and able means the eligible applicant has the facilities needed for the receipt of power or has made the necessary arrangements for transmission and/or distribution service, and its power supply contracts with third parties permit the delivery of Western's power. Eligible applicants must have the necessary arrangements for transmission and/or distribution service in place by October 1, 2016.

E. An eligible Native American applicant must be an Indian tribe as defined in the Indian Self Determination Act of 1975, 25 U.S.C. § 450b, as amended.

F. Eligible Native American tribes will receive first consideration for an allocation of BCP sufficient to provide Federal hydropower up to 25 percent of their peak load in consideration of criterion element G.

G. In making allocations, Western will consider the amount of the applicant's load already served by existing Federal power resource allocations.

H. Remaining Schedule D shall be allocated to non-profit applicants eligible under Section 5 of the BCPA in proportion to their peak loads.

I. Western will base allocations to all eligible applicants on actual loads experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013, as designated by the applicant. For Native American tribes, Western may use estimated load values if actual load data is not available. Western will evaluate and may adjust inconsistent estimates during the allocation process. Western is available to assist tribes in developing load estimates if necessary.

J. The minimum allocation shall be 100 kW.

K. The maximum allocation shall be 3,000 kW.

L. Contractors must execute electric service contracts within six months of receiving a contract offer from Western, unless Western agrees otherwise in writing.

M. Any allocated Post-2017 Resource Pool power not under contract by October 1, 2016, shall be redistributed on a pro-rata basis to the remaining Post-2017 Resource Pool new allottees. In the execution of this redistribution, criteria elements F and K may be waived at Western's discretion. Any Post-2017 Resource Pool power not allocated and under contract by October 1, 2017, shall be distributed in accordance with the 2012 Conformed Criteria.

N. If unanticipated obstacles to the delivery of electric service to a Native American tribe arise, Western will allow the economic benefit of the resource to be provided to the tribe through benefit-crediting or bill-crediting arrangements.

II. Applications for Power

This notice formally requests applications from qualified entities seeking to purchase Federal power from the Post-2017 Resource Pool. Western is requesting the APD to provide a uniform basis for evaluating applications. To be considered, qualified entities must submit an application to the Western Area Power Administration Desert Southwest Region as requested below. To ensure full consideration for all applicants, Western reserves the right to

not consider applications submitted before publication of this notice or after the deadline specified in the **DATES** section. Application forms are available upon request or may be accessed and/or submitted online at http://www.wapa.gov/dsw/pwrmt/BCP_Remarketing/BCP_Remarketing.htm.

Applicant Profile Data Application

The content and format of the APD are outlined below. Applicants must provide all requested information, or the most reasonable available estimate, or should indicate “not applicable” if they have no information to be considered for a requested item. Western is not responsible for errors in data or missing pages. All items of information in the APD should be answered as if prepared by the entity seeking the allocation. The APD includes the following:

1. Applicant:
 - a. Applicant’s (entity requesting a new allocation) name and address.
 - b. Person(s) representing applicant: Please provide the name, title, address, telephone and fax number, and email address of such person(s).
 - c. Type of organization: For example, Federal or state agency, irrigation district, municipal, rural, industrial user, municipality, Native American tribe, public utility district, or rural electric cooperative.
 - d. Parent organization of applicant, if any.
 - e. Name of members or suballottees, if any.
 - f. Applicable law under which the organization was established.
 - g. Applicant’s geographic service area: If available, submit a map of the service area, and indicate the date prepared.
 - h. Describe the entity/organization that will interact with Western on contract and billing matters.
 - i. The amount of power the applicant is requesting to be provided by Western.
2. Loads:
 - a. All Applicants:
 - i. If applicable, number and type of customers served in one of the last three calendar years including calendar years 2011, 2012, or 2013; e.g., residential, commercial, industrial, military base, agricultural.
 - ii. The actual monthly maximum demand (in kilowatts) and energy use (in kilowatt hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013.
 - iii. For Native American tribe applicants, if actual demand and energy data is not available, provide estimated monthly demand (in kilowatts) with a description of the method and basis for this estimated demand.

3. Resources:

a. A list of current power supplies, including the applicant’s own generation and purchases from others. For each supply, provide the amount of capacity received from that power supply and its location.

b. Status of power supply contract(s), including a contract termination date. Indicate whether power supply is on a firm basis or some other type of arrangement.

4. Transmission:

a. Point(s) of delivery: BCP will be delivered at Mead Substation. Applicants may provide preferred point(s) of delivery on Western’s transmission system or a third party’s system and the required service voltage. The applicant will ultimately be responsible for acquiring transmission to alternate delivery points.

b. Transmission arrangement: Describe the applicant’s transmission arrangements necessary to deliver power to the requested points of delivery beyond Western’s transmission system. Provide a single-line drawing of applicant’s system, if available.

c. Provide a brief explanation of the applicant’s ability to receive and use, or receive and distribute Federal power as of October 1, 2017.

5. Other Information: The applicant may provide any other information pertinent to receiving an allocation.

6. Signature: The signature and title of an appropriate official who is able to attest to the validity of the APD and who is authorized to submit the request for an allocation is required.

Western’s Consideration of Applications

Upon receiving the APD, Western will verify that the applicant meets the eligibility criteria contained in the 2012 Conformed Criteria and that the application contains all information requested in the APD.

a. Western may request, in writing, additional information from any applicant whose APD is determined to be deficient. The applicant will have 15 calendar days from the date on Western’s letter of request to provide the information.

b. If Western determines the applicant does not meet the eligibility criteria, Western will send a letter explaining why the applicant did not qualify.

c. If the applicant has met the eligibility criteria, Western, through the public process, will determine the amount of power, if any, to allocate in accordance with the marketing criteria. Western will send a draft contract to the applicant that identifies the terms and conditions of the offer and the amount of power allocated to the applicant.

Regulatory Procedure Requirements

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Compliance

In accordance with the DOE National Environmental Policy Act Implementing Procedures (10 CFR 1021), Western has determined that these actions fit within a class of action B4.1 Contracts, policies, and marketing and allocation plans for electric power, in Appendix B to Subpart D to Part 1021—Categorical Exclusions Applicable to Specific Agency Actions.

Dated: December 17, 2013

Mark A. Gabriel,
Administrator.

[FR Doc. 2013–31214 Filed 12–27–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Loveland Area Projects—2025 Power Marketing Initiative

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Final 2025 Power Marketing Initiative.

SUMMARY: Western Area Power Administration (Western), Rocky Mountain Region, a Federal power marketing agency of the Department of Energy (DOE), announces the 2025 Power Marketing Initiative (2025 PMI). The 2025 PMI provides the basis for marketing the long-term firm hydroelectric resources of the Loveland Area Projects (LAP) beginning with the Federal fiscal year 2025. Western’s Firm Electric Service (FES) contracts associated with the current marketing plan expire September 30, 2024. The 2025 PMI extends the current marketing plan, with amendments to key marketing plan principles.

Western’s proposed 2025 PMI was published in the **Federal Register** on October 17, 2011. Responses to public comments are included in this notice. This **Federal Register** notice is published to announce Western’s decisions for the 2025 PMI.

DATES: The 2025 PMI will become effective January 29, 2014.

ADDRESSES: Information regarding the 2025 PMI, including comments, letters, and other supporting documents made

**Western Area Power Administration, Desert Southwest Region
 Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
 Applicant Profile Data**

1. Applicant Information. Please provide the following:

a. Applicant's (entity/organization requesting an allocation) name and address:

Applicant's Name:	
Address:	
City:	
State:	
Zip:	

b. Person(s) representing applicant:

Contact Person (Name & Title):	
Address:	
City:	
State:	
Zip:	
Telephone:	
Fax:	
Email Address:	

c. Type of entity/organization:

- Federal Agency
- Irrigation/Water District
- Municipality
- Native American Tribe
- Public Utility District
- Rural Electric Cooperative
- State Agency
- Other, please specify

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d. Parent entity/organization of applicant, if any:

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e. Name of the applicant's member organizations, if any:

(Separated by commas)

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f. Applicable law under which the applicant was established:

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**Western Area Power Administration, Desert Southwest Region
Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
Applicant Profile Data**

- g. Applicant’s geographic service area (if available, please submit a map of the service area and indicate the date prepared):**

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- h. Describe the entity/organization that will interact with Western on contract and billing matters.**

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- i. Provide the amount of power the applicant is requesting to be provided by Western.**

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2. Applicant’s Loads:

- a. Utility and non-utility applicants:**

- (i) If applicable, provide the number and type of customers served (e.g., residential, commercial, industrial, military base, agricultural):**

Customer Type and Number						
	Residential	Commercial	Industrial	Military	Ag.	Other
Number of customers						
If not applicable, explain why:						

- (ii) Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013:**

Calendar Year ()						
	January	February	March	April	May	June
Demand (kilowatts)						
Energy (kilowatt-hours)						
	July	August	September	October	November	December
Demand (kilowatts)						
Energy (kilowatt-hours)						

- (iii) Describe any factors or conditions which may significantly change peak demands or load duration or profile curves in the next five (5) years.**

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**Western Area Power Administration, Desert Southwest Region
Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
Applicant Profile Data**

b. Native American Tribe applicants only:

(i) Indicate the utility or utilities currently serving your loads:

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(ii) If applicable, provide the number and type of customers served (e.g., residential, commercial, industrial, military base, agricultural):

Customer Type and Number						
	Residential	Commercial	Industrial	Military	Ag.	Other
Number of customers						
If not applicable, explain why:						

(iii) Provide the actual monthly maximum demand (kilowatts) and energy use (kilowatt-hours) experienced in one of the last three calendar years including calendar years 2011, 2012, or 2013. If the actual demand and energy data are not available or are difficult to obtain provide the estimated monthly demand:

Calendar Year ()						
	January	February	March	April	May	June
Demand (kilowatts)						
Energy (kilowatt-hours)						
	July	August	September	October	November	December
Demand (kilowatts)						
Energy (kilowatt-hours)						

(iv) If the demand and energy data in 2.b.(iii) above is estimated, provide a description of the method and basis for this estimation in the space provided below:

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(v) Identify any factors or conditions in the next 5 years which may significantly change peak demands, load duration, or profile curves:

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3. Applicant's Resources. Please provide the following information:

**Western Area Power Administration, Desert Southwest Region
Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
Applicant Profile Data**

- a. **A list of current power supplies if applicable, including the applicant's own generation as well as purchases from others. For each supply, provide the resource name, capacity supplied, and the resource's location.**

Power supplies (resource name, capacity & location):

- b. **For each power supplier, provide a description and status of the power supply contract (including the termination date):**

- c. **For each power supplier, provide the types of power:**

Power supply is on a firm basis.

Power supply is not on a firm basis. Please explain.

4. Transmission:

- a. **Points of delivery: Provide the requested point(s) of delivery on Western's transmission system (or a third party's transmission system) the voltage of service required, and the capacity desired, if applicable.**

- b. **Transmission arrangements: Describe the transmission arrangements necessary to deliver firm power to the requested points of delivery. Include a brief description of the applicant's transmission and distribution system including major inter-connections. Provide a single-line drawing of applicant's system, if one is available.**

- c. **Provide a brief explanation of the applicant's ability to receive and use, or receive and distribute Federal power as of October 1, 2017.**

5. Other Information:

The applicant may provide any other information pertinent to receiving an allocation.

Western Area Power Administration, Desert Southwest Region
Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
Applicant Profile Data

6. Signature:

Western requires the signature and title of an appropriate official who is able to attest to the validity of the APD and who is authorized to submit the request for an allocation.

By signing below, I certify the information which I have provided is true and correct to the best of my information, knowledge and belief.

Signature_____ Title_____

Applications may be submitted by U.S. mail to the address below or electronically to POST2017BCP@wapa.gov with an electronic signature. If submitting this application electronically and an electronic signature is not available, please fax this page with signature to (602) 605-2490, or mail to Mr. Mike Simonton, Public Utilities Specialist, Desert Southwest Region, Western Area Power Administration, 615 S. 43rd Avenue, Phoenix, Arizona 85009.

RECORD KEEPING REQUIREMENTS: If Western accepts your application and you receive an allocation of Federal power you must keep all your records associated with your APD for a period of 3 years after you sign your contract for Federal power. If you do not receive an allocation of Federal power, there is no recordkeeping requirement.

Western has obtained an OMB Clearance Number 1910-5136 for the collection of the above information.

The data are being collected to enable Western to properly perform its function of marketing limited amounts of Federal hydropower. The data you supply will be used by Western to evaluate who will receive an allocation of Federal power.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Ronald J. Klinefelter, Paperwork Reduction Act Comments, Western Area Power Administration, P.O. Box 281213, 12155 W. Alameda Parkway, Lakewood, CO 80228; and to the Office of Management and Budget (OMB), OIRA, Washington, DC 20503.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

**Western Area Power Administration, Desert Southwest Region
Application for Boulder Canyon Project Resource Allocation from the 2017 Resource Pool
Applicant Profile Data**

Submission of this data is voluntary, however if an entity seeks an allocation of Federal power, the applicant must submit an APD.

State of Nevada



Colorado River Commission of Nevada

Meeting Group: Hydropower Department – Post 2017 Hoover Allocation Informal Meeting
 Meeting Date/Time: February 12, 2014 - 9:00 – 11:00 a.m.
 Location: Grant Sawyer Office Building – 555 E. Washington Ave., Suite 4412, Las Vegas, NV 89101

Name	Title	Organization	Telephone No.	E-Mail Address	Signature
Tammy Cordova	Staff Counsel	PUCN	702 486 7905	tcordova@puc.nv.gov	<i>Tammy Cordova</i>
Sueha Venkat	Economist	PUCN	702 486 7095	svenkat@puc.nv.gov	<i>Sueha Venkat</i>
Robert Tar	MBOP Council	NEOPA BAND OF PAINTERS	702 343 3714	RobertTar@puc.nv.gov	<i>Robert Tar</i>
Everett	" "	NEOPA BAND OF PAINTERS	702 99 4441	epikravt@puc.nv.gov	<i>Everett</i>
VERNON LEE	COUNCILMAN	NEOPA BAND OF PAINTERS	702 864-0357	epikravt	<i>Vernon Lee</i>
Benton Marshall	Mech. Engr.	State Public Works	702 486-4569	bmarshall@admin.nv.gov	<i>Benton Marshall</i>
Regan Miller	AAEP	NDOT	702 385-0598	kmiller@dot.state.nv.us	<i>Regan Miller</i>
Dore Englund	CEO	Anderson Librarians North Reno or Primm	702 492-6583	doreenglund@ndot.gov	<i>Dore Englund</i>
GREG ANDERSON	MBOP VICE CHAIRMAN		702 277 3736	southernbighorn@vtr.com	<i>Greg Anderson</i>
Scott Krantz	Energy	SNWA	702- 36 691-5240	scott.krantz@snwa.com	<i>Scott Krantz</i>
Mark Proctor	Asst. Geny				
Vinny Spottleson	Energy Manager	Sen. Reid	702.388.5020	Vinny-Spottleson@senr.com	<i>Vinny Spottleson</i>

State of Nevada



Colorado River Commission of Nevada

Meeting Group: *Hydropower Department – Post 2017 Hoover Allocation Informal Meeting*
 Meeting Date/Time: *February 12, 2014 - 9:00 – 11:00 a.m.*
 Location: *Grant Sawyer Office Building – 555 E. Washington Ave., Suite 4412, Las Vegas, NV 89101*

Name	Title	Organization	Telephone No.	E-Mail Address	Signature
Gail Bates	Manager, Energy Services	CRC/SSEA	702-691-5228	gbates@crc.nv.gov	
Vincent Burton	Manager	NV Energy	702-402-5667	vburton@nvenergy.com	
Debbie Englund	Chief Financial Officer	Henderson Libraries	702-492-6583	dmenglund@hdpl.org	
Tim Troy	Senior Contracts Agent	NV Energy	702-402-2047	ttroy@nvenergy.com	
Matthew Hott	Head of Adult Services	Henderson Libraries	702-207-4253	mhott@hdpl.org	
Mark Backus	Assistant City Attorney III	City of Henderson	702-267-1213	mark.backus@cityofhenderson.com	
Bill Cyr	General Manager	Aha Macav Power Service	928-768-2200	bcyr@ahamacav.com	
Roger Wright/ Mark Burns	Engineering Manager	Aha Macav Power Service	928-768-2200	rwright@ahamacav.com	
Dennis McBride	Director	Nevada State Museum, Las Vegas	702-822-8739	dennis.mcbride@nevadaculture.org	
Michael Nobles	Management Analyst II	Nevada State Veterans	702-332-6703	noblesm@veterans.nv.gov	
Randall Simmons (+3 council members)	Tribal Administrator	Moapa Band of Paiutes	702-865-2787	admin.mbop@mvdsi.com	
Bill Marion	Las Vegas Paiute Tribe Counsel	Purdue Marion & Associates	702-283-0813	bill@purdumarion.com	
Benny Tso	Chairman	Las Vegas Paiute Tribe		btso@lvpaiute.com	
David Colvin	Las Vegas Paiute Tribe Counsel	Purdue Marion & Associates	702-283-0813	dcolvin@maclaw.com	



Colorado River Commission of Nevada

Meeting Group: Hydropower Department – Post 2017 Hoover Allocation Informal Meeting
 Meeting Date/Time: February 12, 2014 - 9:00 – 11:00 a.m.
 Location: Grant Sawyer Office Building – 555 E. Washington Ave., Suite 4412, Las Vegas, NV 89101

Name	Title	Organization	Telephone No.	E-Mail Address	Signature
PAULINE ENOCAND	ASO II	NDOT	702 385 6505	Pengland@dot.state.nv.us	
Perry Lusk	Eminem	PUCN	702 486 7099	PLUCBAN@PUC.NV.NV	
Matt Horst	Head of AS	HDPL	702-207-4253	mhorst@hdpl.org	
Terry Bone	Projects mgr	Nevada Bd of Pwnters	775-233-6611	terry_bone@qmail.com	
Mendis Cooper	GM	Overton Power	397-3025	coopm@dps.com	

State of Nevada



Colorado River Commission of Nevada

Meeting Group: Hydropower Department – Post 2017 Hoover Allocation Informal Meeting
 Meeting Date/Time: February 12, 2014 - 2:00 – 4:00 p.m.
 Location: Bob Ruud Community Center, 150 North Highway 160, Pahrump, NV 89060

Name	Title	Organization	Telephone No.	E-Mail Address	Signature
Amina Anderson	Board Chairman	Beatty Water & Sanitation District	775-553-2931	aminaanderson27@gmail.com; waterdoctor5@sbcglobal.net	<i>Amina Anderson</i>
Mike Cottingim	Town Administrator	Town of Amargosa Valley	775 372 5459	town@amargosavalley.com	<i>Mike Cottingim</i>
Tim Sutton	Deputy District Attorney	Nye County District Attorney's Office	775-751-7080	tsutton@co.nye.nv.us	<i>Tim Sutton</i>
Brenda Gilbert	Program Manager	BEC Environmental, Inc.	775-345-5261	brenda@becnv.com	<i>Brenda Gilbert</i>
Raymond Ritchie	Chief Operating Officer	Nye County School District	775-727-7743	ritchier@nye.k12.nv.us	<i>Ray Ritchie</i>
Cameron McRae	Director M&O	Nye County School District	775-727-2443	cmcrae@nye.k12.nv.us	<i>Cameron McRae</i>
John Bosta	AVTR	Amargosa Valley Town Bd	775-372-903	bostjohn@yahoo.com	<i>John Bosta</i>
Don Stalwart	Engineering Tech II	Nye County Public Works	775-751-1222	dstalwart@co.nye.nv.us	<i>Don Stalwart</i>
Jennifer Hill	Environmental Scientist	BEC Environmental, Inc.	709-304-9830	jennifer@becnv.com	<i>Jennifer Hill</i>
<i>Sharon Allshouse</i>	TOWN MGR	<i>Town of Pahrump</i>	775 727-5107 X305	<i>sharon@pahrumpnv.org</i>	<i>Sharon Allshouse</i>
<i>Bill Davan</i>	VICE-CHAIRMAN	<i>Tourist Parkway</i>	702-400-0190	<i>Bill@DowntownPahrump.com</i>	<i>Bill Davan</i>
<i>Janes Deanscul</i>	NEVADA ASSEMBLY		775-513-7468	<i>Janes.Deanscul@asm.nv.us</i>	<i>Janes Deanscul</i>
<i>RICK BOKERT</i>	EDDO	<i>VEA</i>	775-727-5312	<i>Rick@VEA.org</i>	<i>Rick Bokert</i>
<i>Anthony Jaymes</i>	Reporter	<i>PTT</i>	702-768-5041	<i>AS@pahrumpinfo.org.com</i>	<i>Anthony Jaymes</i>



Colorado River Commission of Nevada

Meeting Group: Hydropower Department – Post 2017 Hoover Allocation Informal Meeting
 Meeting Date/Time: February 13, 2014 - 1:00 – 3:00 p.m.
 Location: Moapa Valley Community Center, 320 North Moapa Blvd., Overton, NV 89040

Name	Title	Organization	Telephone No.	E-Mail Address	Signature
Aaron Baker	City Liaison Officer	City of Mesquite	702.346.5295	abaker@mesquitenv.gov	
JerricClarke	Museum Director	Lost City Museum	702-397-2193 x 22	jclarke@nevadaculture.org	<i>Jerric Clarke</i>
Terry Romero	Asst General Manager/CFO	Overton Power District	702-397-3011	tromero@opds.com	<i>Terry Romero</i>
Susan Santarcangelo	Freelance Writer		702-233-3709	Sas.wordspring@gmail.com	<i>Susan Santarcangelo</i>
Kevin Brown	General Manager	Virgin Valley Water District	702-346-5731	kbrown@vvh2o.com	<i>Kevin Brown</i>
Richard Jones					
Bruce Hughes	Line Super.	OPD #5	702-232-0359	bhughes@opds.com	<i>Bruce Hughes</i>
Richard Jones		Overton Power			
David Luddell	Gen Mgr	LCFD	725-962-5137	djluddell@lcpd1.com	<i>David Luddell</i>
PAUL KAUIKALE		NV Energy		paquirre@nenergy.com	<i>Paul Kauikale</i>