

April 26, 2023

Submitted via email to post2028@bpa.gov

Northwest Requirements Utilities (“NRU”) submits these comments to address BPA’s proposal related to Tier 1 system size adjustments for “load growth for existing tribal utilities served by BPA.”

In BPA’s Provider of Choice presentation from its workshops January 24 and 25, BPA recommended adjusting the Tier 1 system size and Contract High Water Marks for Provider of Choice contracts for four reasons, one of which was to meet “load growth for existing tribal utilities served by BPA.”

NRU strongly supports including this provision in the Provider of Choice policy for tribal utility load growth in a way that clarifies that all tribal utilities in the region will benefit. Providing Tier 1 access for tribal utilities, as explained in the Regional Dialogue policy, “recognizes that tribal utilities face unique challenges due to sovereign, legal and jurisdictional circumstances....” (Long-Term Regional Dialogue Final Policy ROD, July 19, 2007 at page 11.)

Specifically, BPA should clarify that the provision will provide access to power sold at Tier 1 rates for load growth experienced by all tribal utilities, regardless of when the tribal utility was formed, when the tribal utility experiences the load growth, and or whether that growth is through service territory annexation, loss of resource, or other means. In addition, BPA should clarify that this provision will apply to tribal utilities operating on established reservations pursuant to a PL 93-638 Self Determination contract or compact. This clarification would ensure an equitable policy application and minimize the administrative burden of policy administration. Further, and perhaps most importantly, it would align with BPA’s policy rationale of recognizing the unique challenges that tribal utilities face due to sovereign, legal, and jurisdictional circumstances, and the fact that those challenges are similarly experienced by tribal utilities regardless of how they are experiencing growth or when they were formed.

Thank you for considering these comments.

Sincerely,

/s/ Tashiana Wangler

Tashiana Wangler
Rates and Policies Director