



Bonneville Power Administration

INTEGRATED PROGRAM REVIEW

**Summary of Services Provided
by BPA General Counsel
August 13, 2008**



Services Provided by BPA General Counsel

Question: Please provide a listing of what General Counsel delivers to the agency.

Response: General Counsel provides legal expertise, which supports Bonneville Power Administration (BPA) programs through legal advice and representation, including but not limited to the general areas of transmission, natural resources, power, lands, federal resources and treaties, generation and finance, personnel, and ratemaking.



Services Provided by BPA General Counsel

Corporate and Fish & Wildlife:

General Counsel provides the Administrator, agency Vice Presidents and agency staff in Power Services, Transmission Services, and Agency Services organizations with legal advice and risk assessment, negotiation and alternative dispute resolution, and represents the agency in all areas of litigation before the courts or administrative and regulatory proceedings covering a broad range of subject matters. This function handles the Columbia River Treaty and agreements permitting BPA to use additional Canadian storage, governance and delegations, contracts for and protests of the procurement of goods and services including intellectual property issues, torts claims, Freedom of Information Act/Privacy Act requests, employee property damage claims, ethics including conflicts of interests and financial disclosure, human capital issues including labor issues, both negotiations and disputes, disciplinary actions and requests for reasonable accommodations, and Equal Employment Opportunity claims, copyright and patent issues, physical and computer security processes and procedures.



Services Provided by BPA General Counsel

Corporate and Fish & Wildlife, continued:

In addition, this section advises on and provides other legal representation in environmental issues and policies including BPA's fish and wildlife obligations under the Northwest Power Act and Endangered Species Act, environmental compliance under the National Environmental Policy Act, cultural resources obligations, and obligations arising under the Hazardous Waste Act, including Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Additionally, the staff advises on and provides other legal representation in the review of BPA's budget and risk management. It also drafts and negotiates other financial instruments including documents related to Energy Northwest and documents in support of bonds related to debt or financing of resource acquisitions, refinancing of such bonds, letters of credit and other financial swaps and issues relating to BPA's authority to issue bonds to the U.S. Treasury (or to the general public as authorized by law), and its authority to incur obligations.



Services Provided by BPA General Counsel

Power:

General Counsel provides the Administrator and Power Services with legal advice and other legal representation regarding BPA's power marketing policies and power sales contracts and rates; negotiation and alternative dispute resolution services; and represents the agency and business unit in all areas of litigation and judicial appeals regarding BPA's statutory and contractual responsibilities with respect to power marketing, contracts, rates, energy efficiency, resource acquisition, renewable resource policy matters, federal projects, and nonfederal projects, including Energy Northwest. Most, if not all of these areas, are performed and controlled by the Bonneville Project Act, the Pacific Northwest Consumer Preference Act, the Federal Columbia River Transmission System Act, and the Pacific Northwest Power Planning and Conservation Act.

Power legal staff also advises on matters of acquisition of transmission services by the business unit and participation in deregulation activities at the state and federal levels. Staff also participates in the establishment of BPA's power rates under section 7(i) of the Northwest Power Act, and at times represents Power Services before the Federal Energy Regulatory Commission (FERC).



Services Provided by BPA General Counsel

Transmission:

General Counsel provides the Administrator, agency Vice-Presidents and agency staff in Transmission Services with legal advice and other legal representation regarding BPA transmission policies and transmission tariffs, contracts and rates; negotiation and alternative dispute resolution services; and represents the agency in all areas of litigation and judicial appeals regarding BPA's statutory and contractual responsibilities with regard to the provision of transmission service. Subject matter areas covered by these attorneys include the provision of non-discriminatory and open access transmission service under BPA's Open Access Transmission Tariff. Analysis includes evaluation of risk and obligation of providing such service as a non-jurisdictional entity under a safe-harbor Tariff filing.

The staff also advises the agency with regard to pre-open access transmission services and contracts. BPA rates are established pursuant to a hearing process as provided in section 7(i) of the Northwest Power Act. The attorneys represent the agency in this process, submitting testimony, responding to data requests, examining witnesses and preparing all related filings. Other subject areas of responsibility can include telecommunications (including fiber optics and wireless), land acquisition, and management issues. Attorneys also participate in administrative and regulatory proceedings and negotiations regarding the provision of transmission service, including hearings before FERC. Additionally, the staff monitors and responds to developments at FERC with respect to open access transmission, standards of conduct, and deregulation.

Attorneys also give advice with regard to participation in and issues arising out of participation in Columbia Grid, Western Electricity Coordinating Council, North American Energy Standards Board (NAESB) and other regional and national industry organizations. Advice is also given regarding the legal aspects of operating BPA's Open Access Same Time Information System (OASIS), processing of requests in the queue, initiating curtailments and congestion management, offering interconnection of wind and other generators to the BPA transmission system, and preparing business practices developed to implement the Tariff