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A Touchstone Energy® Cooperative 

October 23, 2012

TO: [JOT@wapa.gov](mailto:JOT@wapa.gov)  
[adecker@wapa.gov](mailto:adecker@wapa.gov)

FROM: East River Electric Power Cooperative, Inc.

SUBJECT: Request for a Comment Period of at Least 60 Days on the JOT Draft Recommendations

As a non-profit preference customer of the Western Area Power Administration (Western), East River Electric Power Cooperative, Inc. (East River) is keenly interested in the work of the Joint Outreach Team (JOT) to develop draft recommendations regarding the implementation of Secretary Steven Chu's March 16, 2012, Memo ('Chu Memo'). As one of the largest non-profit preference customers of Western, we provide wholesale power and transmission service to twenty-five non-profit rural electric cooperatives and one municipal electric system which in turn serve well over 100,000 retail consumer accounts in eastern South Dakota and western Minnesota. The disruptive and adversarial approach of the 'Chu Memo' has required East River and its members to be very focused on the outcomes. We are very frustrated that DOE has elected not to engage in any meaningful way with the current customers of Western from the outset of this process. Again, as draft recommendations are now being finalized, we note DOE is proceeding with little, if any, transparency.

We understand DOE will soon advance these final recommendations for publication in the Federal Register. Accordingly, we request a comment period of at least 60 days. A comment period of at least 60 days will be necessary to allow those directly affected by the JOT's recommendations the opportunity to thoroughly evaluate the substance of the proposal(s) and provide meaningful input to the Department. Additionally, if the draft recommendations require significant technical, economic, or other complex analysis, we will request additional time to ensure adequate time to appropriately respond.

As expressed previously, the Chu Memo and subsequent DOE/Western 'Defining the Future' workshops and listening sessions have confused, alienated, and angered Power Marketing Administration ('PMA') preference customers and other stakeholders. Throughout this process, we have expressed deep concern about the assumptions that have been made regarding the manner in which the PMAs operate. Additionally, we have been frustrated by a procedural process that has been unnecessarily rushed and lacking in true opportunity for meaningful input from preference customers and other stakeholders.

We understand that JOT is currently in the process of combining input from the 'Defining the Future' workshops, listening sessions, and written comments to formulate draft recommendations that will be published in the Federal Register for comment. We are concerned that the comment period will be abbreviated due to holiday schedules/travel and other unforeseen variables. Given the technical nature of Secretary Chu's initiative and the potential economic impact of the proposal on preference customers and other stakeholder groups, a comment period of at least 60 days will allow those directly affected by the JOT's recommendations the opportunity to evaluate the substance of the proposal and provide meaningful input to the Department.

In addition to our request for a sufficient comment period, we strongly recommend that the Administration issue a Federal Register notice containing the final recommendations to the Secretary that discusses the comments DOE receives on the draft recommendations and explains why JOT accepted or rejected those comments in developing its final recommendations. Only such a process that tracks the requirements of the Administrative Procedure Act ('APA') for formal rulemakings will provide the transparency that DOE has said it supports in this process.

Thank you for your consideration of this request.

Sincerely,



Jeffrey L. Nelson  
General Manager

JLN/sl

c: Senator Tim Johnson  
Senator John Thune  
Congresswoman Kristi Noem  
Senator Amy Klobuchar  
Senator Alan Franken  
Congressman Tim Walz  
Congressman Collin Peterson