

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking Regarding Whether, or )  
Subject to What Conditions, the )  
Suspension of Direct Access May ) Rulemaking 07-05-025  
Be Lifted Consistent with Assembly ) (Filed May 24, 2007)  
Bill 1X and Decision 01-09-0060. )  
\_\_\_\_\_)

**COMMENTS OF THE WESTERN AREA POWER ADMINISTRATION  
ON EX PARTE DOCUMENT**

The Western Area Power Administration ("Western") hereby submits comments on the changes to the Proposed Decision ("PD") in this docket proposed by the Federal Executive Agencies ("FEA"), on behalf of Edwards Air Force Base ("Edwards"), in their ex parte communication of June 30, 2011. Western, a power marketing administration within the United States Department of Energy operates and maintains an integrated 17,000-mile, high voltage transmission system across fifteen western States, including the State of California. Western also markets power from numerous Federal water projects in this geographic area, including from the Central Valley and Washoe Projects to customers in northern California, and from the Parker-Davis and Boulder Canyon Projects to customers in southern California. Edwards is one of Western's customers to whom Parker-Davis Project power is marketed.

FEA's ex parte communication included proposed wording changes to the PD. Included in their proposed changes was a conclusion of law that Western is a "marketer" as defined in Section 331 of the Public Utilities Code, and is an "other provider" as defined in Section 365.1(a) of the Code. Western objects to the proposed inclusion of this conclusion of law.

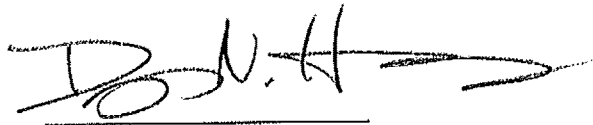
As referenced above, Western's participation in the California electric market is

varied and complex in that it markets power from multiple Federal power projects to numerous different customers under varying terms and conditions. Consideration of whether Western meets the definition of a "marketer" or "other provider" would have to include a detailed analysis of Western's overall activities in these regards. Such an analysis has not been done in this matter. Moreover, FEA has not demonstrated that a determination that Western is a "marketer" or "other provider" is needed to resolve the issues in this matter.

Accordingly, Western requests that FEA's proposed addition of this conclusion of law to the PD be denied.

Respectfully submitted this 8<sup>th</sup> day of July, 2011,

Douglas N. Harness

A handwritten signature in black ink, appearing to read "D.N. Harness", with a horizontal line underneath it.

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