



## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

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[https://ecology.commentinput.com/?id=T45GCKEx2U&utm\\_medium=email&utm\\_source=govdelivery](https://ecology.commentinput.com/?id=T45GCKEx2U&utm_medium=email&utm_source=govdelivery)

ATTN: Joel Creswell  
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### **Re: Comments on the Cap-and-Invest Linkage Rulemaking**

The Bonneville Power Administration (BPA) provides comments on the Washington Department of Ecology's (Ecology) draft rules for the Cap-and-Invest linkage rulemaking. BPA appreciates Ecology staff's attention to ensuring that the registration requirements do not create a barrier should a federal Power Marketing Administration (PMA) elect to register as an opt-in entity pursuant to WAC 173-446-054. BPA has identified two areas in WAC 173-446-054 where the current proposed language would create issues for BPA.

First, WAC 173-446-054 (5) states that to register a PMA must comply with the requirements in WAC 173-446-130. As BPA has previously shared with Ecology, WAC 173-446-130 cannot apply to a PMA due to Federal Privacy Act provisions applicable to federal employees. Since WAC 173-446-130 cannot be applicable to a PMA, BPA requests Ecology omit the reference to it in the PMA registration section. In lieu of WAC 173-446-130, if a federal PMA registers it could provide Ecology with a declaration in which its appropriate employees attest to their identity and acknowledge that they are subject to Federal laws that would subject them to penalties if they committed fraud or otherwise acted improperly.

Second, BPA suggests a few edits to further limit applicability of WAC 173-446-054 (5)(e) given the potential broad number of BPA employees this could apply to. BPA suggests a few edits to further limit applicability to those at BPA that may actually direct BPA's allowance acquisition.

(e) Names and contact information for ~~all~~ employees of the federal power marketing administration with knowledge of, and decision-making authority related to, the federal power marketing administration's market position, as defined in WAC 173-446-020.

BPA appreciates Ecology's willingness to engage with BPA on these registration issues. Please contact me if there are any questions on these comments.

Thank you,

A handwritten signature in black ink, appearing to read "Alisa Kaseweter", with a long horizontal flourish extending to the right.

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