

August 4, 2022

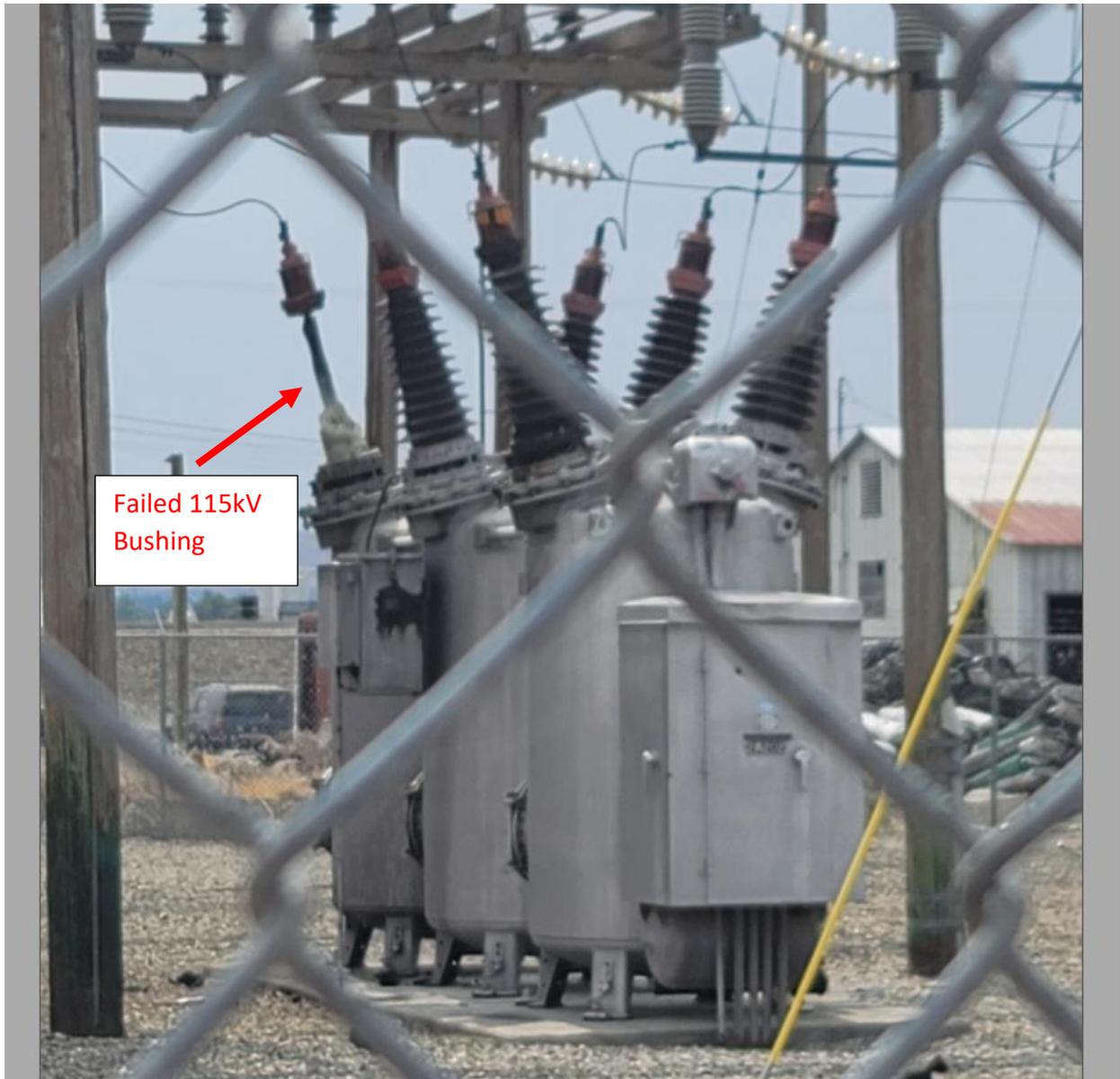
Public Power Council Statement on Stay Extension on CRSO Litigation

The Public Power Council (PPC) recognizes the value of staying litigation on the Columbia River System Operations (CRSO) and is pleased that continuation of existing system operating parameters is a feature of the proposed stay.

Nonetheless, we have deep concerns with both the process and key elements in the commitments made by the government:

- **Failed Commitment to Transparency.** Statements continue to be made on the importance of transparency. However, the discussions to date have excluded many parties to the litigation, including PPC. Moreover, **we were provided just 24 hours to review and consent to the agreement.** Going forward, significantly greater actual transparency is needed and all parties to the litigation must be fully included and treated equitably.
- **Unclear Cost Responsibility.** The agreement intimates that the costs of the additional commitments are not to be borne by BPA's customers, which are non-profit utilities serving their communities at cost. The ultimate agreement, if any, must clearly and unequivocally state that any costs associated with this agreement must be non-reimbursable expenses. **PPC will examine all legal options if ratepayer dollars are used inappropriately** for any purpose without clear legal basis or a direct connection to mitigation for Columbia River System Operations.
- **Vague Standard Lacking Legal Basis.** The agreement sets **"healthy and abundant"** fish as the standard for efforts going forward. This is **not a legal standard** contained in the Endangered Species Act, the basis for the litigation, and goes beyond the impacts of the hydro system. In fact, it is a standard without any applicable or enforceable legal basis. Consequently, it cannot be the applicable standard going forward.
- **Dangerous Consideration of Dam Breaching.** In light of the recent studies by Energy GPS and E3, in addition to the extensive CRSO Environmental Impact Statement analysis, **it is irresponsible to dedicate time and resources to further "evaluation" of breaching** given the substantial risks to system reliability, costs to consumers, and the technical infeasibility without violating applicable clean energy and climate requirements and goals. Given these facts, as well as the House-passed provision in the Water Resources Development Act of 2022 precluding dam breaching, this directive should be stricken so that efforts can focus on practical and achievable goals.

These concerns must be resolved as the process moves forward for PPC to accept any resulting agreement.



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