

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION**

**FISCAL YEAR (FY) 2029 PUBLIC RATE
DESIGN METHODOLOGY; PUBLIC
HEARING AND OPPORTUNITIES FOR
PUBLIC REVIEW AND COMMENT**

BPA Docket No. PRDM-26

**RESPONSE IN OPPOSITION TO PUBLIC POWER COUNCIL’S OUT OF TIME
MOTION TO REBUT EX PARTE COMMUNICATION & MOTION FOR
SETTLEMENT CONFERENCE**

Pursuant to Section 1010.5(g) of the Bonneville Power Administration (“BPA” or “Bonneville”) Rules of Procedure, Pacific Northwest Generating Cooperative d/b/a PNGC Power (“PNGC Power”) hereby files this Response in Opposition to Public Power Council’s (“PPC”) Out of Time Motion To Rebut Ex Parte Communication & Motion For Settlement Conference (“Motion”) filed June 2, 2025. For the reasons set forth below, PPC’s Motion should be denied.

PPC’s Motion must be denied because it does not satisfy any of the Rule 1010.5(g) requirements.

A motion seeking the opportunity to *rebut any facts or contentions* in an Ex Parte Communication *must be filed within five Business Days* of Bonneville’s notification that the communication has been posted on Bonneville’s website. The Hearing Officer will grant such a motion if he or she finds that providing the opportunity to rebut the Ex Parte Communication *is necessary to prevent substantial prejudice to a Litigant*.

Rule 1010.5(g) (emphasis added).

Here, the Motion was filed late, admittedly does rebut any fact or contention in the subject communication, and does not allege substantial prejudice to any Litigant.

Bonneville provided notice that the subject communication was posted on its website on May 14, 2025. The deadline for motions to respond was May 21, 2025. The Motion was filed eight business days after the deadline. The Motion was not preceded by a motion or order extending the 5-day deadline. The Motion “must” have been filed by May 21, 2025. It was not, and for this reason the Motion must be denied as untimely.

Additionally, the Motion admittedly does not seek to rebut facts or contentions in the subject communication. The Motion does not (i) request to rebut the facts or contentions in the subject communication, or (ii) rebut of facts or contentions. Instead, “PPC’s intent with this [the Motion] filing is solely to focus on procedure.” Motion p. 2. Rule 1010.5(g) does not contemplate or permit a procedural complaint.

Finally, the Motion fails to allege or show prejudice, let alone substantial prejudice, to any Litigant. Under the rule, the Hearing Officer cannot grant the motion unless he or she finds it necessary to prevent substantial prejudice to a Litigant. The Motion does not claim any Litigant will be prejudiced in the instant proceeding. Rather the Motion states that PPC is concerned about the *possibility of* “side conversations.” Motion, p. 3. Possible, “side conversations” of an unknown or unexplained nature is not even close an actual showing of substantial prejudice. This does not satisfy Rule 1010.5(g).

Bonneville has already taken the action for posting of a claimed ex parte communication required by Rule 1010.5 when it posted the subject communication. PNGC did not object to that action. PPC has not raised any issue that requires further action by Bonneville.

For the foregoing reasons stated, PNGC Power respectfully requests that Pubic Power Council's Out of Time Motion to Rebut Ex Parte Communication & Motion For Settlement Conference, filed June 2, 2025, be denied.

DATED this 3rd day of June 2025.

Respectfully submitted,

/s/ **Richard W. Stover**

Richard W. Stover,
Chief Legal Officer
PNGC Power

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing on June 3, 2025, by uploading it to the Bonneville Power Administration's secure website. Pursuant to Section 1010.10(a) of the Rules of Procedure of the Bonneville Power Administration, such filing constitutes service on all Litigants.

Respectfully Submitted,

/s/ Richard W. Stover

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