

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

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**BASIN ELECTRIC POWER COOPERATIVE**

**DOCKET No. ER20-2441-000**

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**ANSWER OF BASIN ELECTRIC POWER COOPERATIVE  
TO SIERRA’S CLUB MOTION FOR EXTENSION OF FILING DEADLINE**

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> Basin Electric Power Cooperative (“Basin Electric”) submits this answer to “Sierra Club’s Motion for Extension of Filing Deadline” submitted in the above-referenced proceeding.<sup>2</sup> As discussed below, Basin Electric requests that the Commission deny the Extension Request because the information included in Basin Electric’s filing in this proceeding<sup>3</sup> has been available to the entities that pay Rate Schedule A rates for almost a year. Further, as explained below, the information submitted in the other proceedings referenced in the Extension Request<sup>4</sup> also was available to interested parties prior to Basin Electric’s submittal of the Rate Schedule A Filing on July 16, 2020. To the extent the Commission determines an extension is appropriate, Basin Electric requests that the Commission limit any extension granted in response to the Extension Request to no more than seven days, or August 13, 2020,

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<sup>1</sup> 18 C.F.R. §§ 385.213 (2020).

<sup>2</sup> Sierra Club’s Motion for Extension of Filing Deadline, Docket No. ER20-2441-000 (filed Aug. 3, 2020) (“Extension Request”).

<sup>3</sup> Basin Electric Power Cooperative, Submission of Rate Schedule A to the Wholesale Power Contracts of Basin Electric Power Cooperative, Docket No. ER20-2441-000 (filed July 16, 2020) (“Rate Schedule A Filing”).

<sup>4</sup> Basin Electric Power Cooperative, Submission of Wholesale Power Contract FERC Rate Schedules Nos. 1 through 19, Docket No. ER20-2442-000 (filed July 16, 2019) (“Wholesale Power Contracts Filing”); and Basin Electric Power Cooperative, Submission of Transmission-Related Agreements, Docket No. ER20-2451-000 (filed July 17, 2020) (“Transmission-Related Agreements Filing”).

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## I. BACKGROUND

On September 30, 2019 and October 1, 2019, in anticipation of becoming subject to the Commission's full jurisdiction under the FPA, Basin Electric submitted a series of filings to ensure it would be in compliance with Commission rules and regulations.<sup>5</sup> That series of filings included the Initial Rate Schedule A Filing, which included Rate Schedule A and supporting material. On October 31, 2019, Basin Electric submitted an amendment to its Initial Rate Schedule A filing, which included additional supporting material.<sup>6</sup> On November 1, 2019, Basin Electric submitted the 2020 Rate Schedule A with supporting material.<sup>7</sup>

On November 26, 2019, the Commission issued an order rejecting Basin Electric's filings in Docket Nos. ER19-2909-000, ER19-2909-001, ER19-2910-000, ER19-2911-000, ER20-1-000 and ER20-2-000 without prejudice.<sup>8</sup>

On July 16, 2020, Basin Electric resubmitted the 2019 Rate Schedule A; the 2020 Rate Schedule A; and the existing long-term, wholesale power supply contracts ("Wholesale Power

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<sup>5</sup> Basin Electric Power Cooperative, Submission of Rate Schedule A, Docket No. ER19-2909-000 (filed Sept. 30, 2019) ("Initial Rate Schedule A Filing"); Basin Electric Power Cooperative, Submission of Transmission-Related Agreements, Docket No. ER19-2910-000 (filed Sept. 30, 2019); Basin Electric Power Cooperative, Submission of Proposed Open Access Transmission Tariff and Annual Transmission Revenue Requirement for Basin Electric Power Cooperative, Docket No. ER19-2911-000 (filed Sept. 30, 2019) ("Initial Tariff Filing"); Basin Electric Power Cooperative, Request for Waivers and Extensions of Filing Deadlines, Docket No. ER19-2917-000 (filed Sept. 30, 2019); Basin Electric Power Cooperative, Application of Basin Electric Power Cooperative for Market-Based Rate Authority, and for Certain Waivers and Blanket Authorizations, and Request for Expedited Action, Docket No. ER20-1-000 (filed Oct. 1, 2019) ("Initial Market-Based Rate Application"); Basin Electric Power Cooperative, Submission of Wholesale Power Contract FERC Rate Schedules Nos. 1 through 19, Docket No. ER20-2-000 (filed Oct. 1, 2019) ("Initial Wholesale Power Contract Filing"); and Basin Electric Power Cooperative, Application for Authorization to Issue Short- and Long-Term Debt and Guarantees and for Waivers, Docket No. ES19-71-000 (filed Sept. 30, 2019).

<sup>6</sup> Basin Electric Power Cooperative, Amendment to Submission of Initial Rate Schedule A, Docket No. ER19-2909-001 (filed Oct. 31, 2019) ("Amendment to Initial Rate Schedule A Filing").

<sup>7</sup> Basin Electric Power Cooperative, Submission of Revised Rate Schedule A, Docket No. ER20-284-000 (filed Nov. 1, 2019) ("Revised Rate Schedule A Filing").

<sup>8</sup> *Basin Elec. Power Coop.*, 169 FERC ¶ 61,158 (2019).

Contracts”) between Basin Electric and its eighteen Class A member cooperatives and one Class D member cooperative (individually, a “Member,” and collectively, “Members”).

On July 17, 2020, Basin Electric submitted six transmission-related agreements to the Commission for approval.<sup>2</sup>

## II. ANSWER

Basin Electric requests that the Commission deny the Extension Request because most of the information included in Basin Electric’s Rate Schedule A Filing has been available to the entities that pay rates under the Rate Schedule A for at least a year. As a result, the normal 21-day comment period provided by the Commission provides parties with an adequate opportunity to review and prepare comments on the filing. First, information concerning the 2019 Rate Schedule A has been available to Basin Electric’s Members, who are the only ratepayers under Rate Schedule A,<sup>10</sup> since at least August 2018, when the Basin Electric Board approved that rate. Similarly, information concerning the 2020 Rate Schedule A has been available to Basin Electric’s Members since at least August 2019, when the Basin Electric Board approved that rate. Second, much of the information included in the Rate Schedule A Filing was included with the Initial Rate Schedule A Filing and Amendment to Initial Rate Schedule A Filing submitted in Docket No. ER19-2909-000 on September 30 and October 31, 2019, respectively, and in the Revised Rate Schedule A Filing submitted in Docket No. ER20-284-000 on November 1, 2019. As a result, and in combination with the normal 21-day comment period, the parties who are

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<sup>2</sup> Basin Electric Power Cooperative, Submission of Transmission-Related Agreements, Docket No. ER20-2451-000 (filed July 17, 2020) (“Transmission-Related Agreements Filing”).

<sup>10</sup> Rate Schedule A provides rates for the delivery of wholesale power to Class A Members. To the extent that an entity, including a Sierra Club member, is not a Class A Member and would like to purchase generation or transmission service at wholesale, it would not do so pursuant to Rate Schedule A.

affected by the rates charged under Rate Schedule A should have had adequate time to review the Rate Schedule A Filing.

In evaluating Sierra Club's Extension Request, the Commission should not consider the Wholesale Power Contracts Filing as a basis for extending the comment deadline in this proceeding because the information included in that filing originally was submitted to the Commission on October 1, 2019 as part of the Initial Wholesale Power Contract Filing. Further, each Wholesale Power Contract governs the relationship between Basin Electric and the Member that is the counterparty to that agreement.

Similarly, the Commission should not consider the Transmission-Related Agreements Filing as a basis for extending the comment deadline in this proceeding because all of the agreements included in the filing already are on file with and accepted by the Commission. As Basin Electric explained in the Transmission-Related Agreements Filing, Tri-State submitted Service Agreement Nos. 100 through 105 as Tri-State Service Agreement Nos. 804, 822, 824, 871, 875, and 878 in Docket No. ER20-688-000 on December 27, 2019.<sup>11</sup> On March 20, 2020, the Commission accepted Tri-State's Service Agreement Nos. 804, 822, 824, 871, 875, and 878.<sup>12</sup> There are a few differences between the Basin Electric and Tri-State Service Agreements, which are detailed in the Transmission-Related Agreements Filing.<sup>13</sup> However, those differences are not substantial.

Finally, the requested 30-day extension is excessive even without considering the background of this proceeding. A 30-day extension of the comment deadline would provide

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<sup>11</sup> Transmission-Related Agreements Filing at 9-11.

<sup>12</sup> *Tri-State Generation and Transmission Ass'n, Inc.*, 170 FERC ¶ 61,222, at P 107 (2020).

<sup>13</sup> Transmission-Related Agreements Filing at 9-11.

parties with 51 days in which to prepare and submit comments and allow Commission Staff only nine days in which to evaluate those concerns. By contrast, a seven-day extension allows parties four weeks in which to review the Rate Schedule A Filing and prepare comments addressing any concerns. A seven-day extension balances the need for this proceeding to progress swiftly with parties' request for adequate time to review and prepare preliminary comments to the Rate Schedule A Filing. Consequently, to the extent the Commission deems an extension of the comment deadline in this proceeding to be appropriate, Basin Electric requests that the Commission limit that extension to no more than seven days, or until August 13, 2020.

### III. CONCLUSION

WHEREFORE, Basin Electric respectfully requests that the Commission deny the Extension Request and limit any extension of the comment deadline to no more than seven days.

Respectfully submitted,

THOMPSON COBURN LLP

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