

and comments were taken. Those spending levels, including expenses and capital, are reflected in the SN-03 Initial Proposal, but are currently under review by the Council. If BPA changes those levels based on recommendations by the Council prior to writing the Final Record of Decision (ROD), those changes will be reflected in the Final ROD.

Pursuant to section 1010.3(f) of BPA's Procedures, the Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing which seek in any way to revisit the policy merits or wisdom of implementation of the Biological Opinion, or the related operations, assumptions, and program spending level forecasts included in BPA's rate proposal, as discussed above. The Implementation Plan and any subsequent modifications were and are developed through extensive public involvement and comment processes, and have been and will be adopted as policy pursuant to those separate processes.

C. National Environmental Policy Act

BPA is in the process of assessing the potential environmental effects of this proposed rate adjustment, consistent with the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. In its Business Plan Final Environmental Impact Statement, DOE/EIS-0183, June 1995 (Business Plan EIS), BPA evaluated the environmental impacts of a range of business structure alternatives that included, among other things, various combinations of power pricing and rate designs for BPA's power rates. In addition, the Business Plan EIS identifies various response strategies, such as raising firm power rates, that could be implemented to address revenue shortfalls. In August 1995, the BPA Administrator issued a Record of Decision (Business Plan ROD) that adopted the Market-Driven Alternative from the Business Plan EIS. This alternative was selected because, among other reasons, it is the alternative that best allows BPA to: (1) Recover costs through rates; (2) achieve strategic business objectives; (3) competitively market BPA's products and services; and (4) continue to meet BPA's legal mandates.

An initial review of this proposed rate adjustment indicates that it is consistent with these aspects of the Market-Driven Alternative. This rate proposal would result in rate levels similar to those resulting from the rate designs evaluated in the Business Plan EIS, and thus

would not be expected to result in significantly different environmental impacts from those examined for the Market-Driven Alternative in the Business Plan EIS. Furthermore, implementation of this rate proposal would be consistent with the response strategy of raising firm power rates to generate necessary revenues that was identified for all alternatives in the Business Plan EIS and Business Plan ROD. Therefore, BPA expects that this rate proposal will fall within the scope of the Market-Driven Alternative that was evaluated in the Final Business Plan EIS and adopted in the Business Plan ROD, and that BPA thus may tier its decision under NEPA for the proposed rate adjustment to the Business Plan ROD.

Part III—Public Participation

A. Distinguishing Between "Participants" and "Parties"

BPA distinguishes between "participants in" and "parties to" the hearings. Apart from the formal hearing process, BPA will receive comments, views, opinions, and information from "participants," who are defined in the BPA Procedures as persons who may submit comments without being subject to the duties of, or having the privileges of, parties. Participants' written and oral comments will be made part of the official record and considered by the Administrator. Participants are not entitled to participate in the prehearing conference; may not cross-examine parties' witnesses, seek discovery, or serve or be served with documents; and are not subject to the same procedural requirements as parties.

Written comments by participants will be included in the record if they are received by May 1, 2003. This date follows the anticipated submission of BPA's and all other parties' direct cases. Written views, supporting information, questions, and arguments should be submitted to the address listed in Section I. of this Notice. In addition, BPA will hold a field hearing in Portland, Oregon on April 16, 2003. Participants may appear at the field hearing and present oral testimony. The transcripts of these hearings will be a part of the record upon which the Administrator makes his final rate decisions.

Persons wishing to become a party to BPA's rate proceeding must notify BPA in writing. Petitioners may designate no more than two representatives upon whom service of documents will be made. Petitions to intervene shall state the name and address of the person

requesting party status and the person's interest in the hearing.

Petitions to intervene as parties in the rate proceeding are due to the Hearing Officer by 9 a.m. on March 26, 2003. The petitions should be directed to: Maya R. Ferry, Hearing Clerk—LP, Bonneville Power Administration, 905 N.E. 11th Ave., P.O. Box 12999, Portland, Oregon 97212.

Petitioners must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the hearing. Pursuant to Rule 1010.1(d) of BPA's Procedures, BPA waives the requirement in Rule 1010.4(d) that an opposition to an intervention petition be filed and served 4 days before the prehearing conference. Any opposition to an intervention petition instead may be made at the prehearing conference. Any party, including BPA, may oppose a petition for intervention. Persons who have been denied party status in any past BPA rate proceeding shall continue to be denied party status unless they establish a significant change of circumstances. All timely applications will be ruled on by the Hearing Officer. Late interventions are strongly disfavored. Opposition to an untimely petition to intervene shall be filed and received by BPA within two days after service of the petition.

B. Developing the Record

The record will include, among other things, the transcripts of all hearings, any written material submitted by the parties, documents developed by BPA staff, BPA's environmental analysis and comments accepted on it, and other material accepted into the record by the Hearing Officer. The Hearing Officer then will review the record, will supplement it if necessary, and will certify the record to the Administrator for decision. Given the need for the SN CRAC adjustment to be in place by October 1, 2003, the Administrator directs the Hearing Officer to conclude the hearing process no later than July 10, 2003 so as to allow BPA sufficient time to comply with 18 CFR part 300.

The Administrator will develop final proposed rates based on the entire record, including the record certified by the Hearing Officer, comments received from participants, other material and information submitted to or developed by the Administrator, and any other comments received during the rate development process. The basis for the final proposed rates first will be expressed in the Administrator's Draft ROD. Parties will have an opportunity to respond to the Draft ROD as provided in BPA's Procedures. The Administrator