

VERSION 1.1  
APRIL 28, 2015

# COMMUNICATION PROTOCOL

WEBER HYDROELECTRIC PROJECT RELICENSING



## 1 INTRODUCTION

Federal Energy Regulatory Commission (FERC) regulations on alternative procedures require that a potential hydropower applicant requesting the use of the Alternative Licensing Process (ALP) “submit a Communications Protocol, supported by interested entities, governing how the applicant and other participants in the pre-filing consultation process, including the Commission staff, may communicate with each other regarding the merits of the applicant’s proposal and proposals and recommendations of interested entities.” The communication protocol should document, at a minimum, how and which oral, written, and electronic communications or non-procedural issues will or will not be recorded.

## 2 PARTICIPANTS

The active involvement of PacifiCorp, the FERC and its staff, state and federal resource agencies, Native American tribes, and non-governmental organizations is envisioned as part of the pre-filing process.

A mailing list compiled by PacifiCorp will be maintained to identify all interested parties to the proceedings. The list will include the address, phone number, and email addresses. The list will be used to provide notice of group meetings held, as well as notice of the availability of information for review by the group. Individuals on the list will receive all communications via email, a website maintained by PacifiCorp for the Weber relicensing process, or hard copies (if requested).

### 2.1 DESIGNATED REPRESENTATIVES

Each Party will designate one or more representatives to the group who will represent the interests and concerns of that entity.

### 2.2 DECISION MAKERS

For decision making purposes, each party will designate one signatory or decision maker. The signatory or decision maker may or may not be the designated representative(s). The signatory or decision maker has the authority to make a legally binding decision for the entity he or she represents.

We recognize that designated representatives or decision makers may change during the course of the relicensing process. PacifiCorp will maintain a list of representatives and decision makers and will request regular updates to the list. The list will be provided to participants.

## 3 GUIDELINES AND MECHANISMS

### 3.1 GENERAL COMMUNICATION MECHANISMS

Early in the process, all interested parties will be surveyed concerning contacts for the relicensing process and the format in which they would like to receive information. Consistent with federal state paper-reduction policies, it is proposed that interested parties receive notices and relicensing process materials in electronic format and via an internet website for the Weber relicensing process maintained by PacifiCorp.

In most instances, the following communication methods will be used:

	<b>Primary</b>	<b>Backup</b>
Meeting Notices	Website and email	Hard copy (by request)
Meeting Notes	Website and email	Hard copy (by request)

Major Documents and Studies	Website or CD-ROM	Hard copy (by request)
Correspondence		
From PacifiCorp	Email	Hard copy (by request)
From Others	Email	Hard copy (by request)
Status Reports	Website with email notice	Hard copy (by request)

To the greatest extent possible, it is requested that correspondence be sent via email or disk so that the document can be posted on the website. Hard copies will be scanned as needed and posted on the website.

### 3.2 GROUP MEETINGS

#### 3.2.1 SCHEDULE AND AGENDAS

- The interest group will meet regularly, as noticed thirty (30) days in advance, if possible. A copy of meeting notices will be provided to all parties requesting notice (confirmed annually).
- A duly noticed meeting of the interest group is a meeting for which group members receive thirty (30) days advance notice. Notice may be provided in writing by U.S. Mail, facsimile, or electronic mail, or other comparable means, and will be effective when provided. Notice of a duly noticed meeting will identify the date, time, and location of the meeting.
- Meetings will be task-oriented with specific agendas and will focus on coordinating activities and informing parties on the license process status and the planning and/or review of studies and proposed protection, mitigation and enhancement (PM&E) measures.
- Interest group members will receive agendas and other information at least 1 week prior to meetings. It is each member's responsibility to keep abreast of upcoming meeting dates and agenda issues.
- A review of proposed agenda items for the next meeting will be provided at the conclusion of each collaborative group session.

#### 3.2.2 ATTENDANCE

- Although each party has only one representative for decision-making purposes, members may be accompanied to meetings by other persons from within their agency/ organization.
- Participants who are not designated representatives may address the group and/or participate in discussions at the request of their respective member and with the agreement of other interest group representatives.
- Attendance via teleconference is considered present for purpose of decision-making.
- Proxies may be designated in writing (including email) for the purpose of decision-making and representative will be considered present.

### 3.2.3 RECORD KEEPING

- Notes of each interest group meeting will be recorded by PacifiCorp's project coordinator. Detailed meeting notes will be kept which document members present and decisions made and include summaries of discussions of the main points of the meeting.
- Meeting notes from the prior meeting will be distributed to interest group members for review with each draft agenda in a timely manner (at least 1 week prior to the next meeting).
- At the beginning of each meeting, the prior meeting's notes will be amended as needed and approved. Meeting notes are working documents until approved by the group.
- Final meeting notes containing decisions and directives will be distributed to interest group members and posted to the website. Final meeting notes will be summarized in the status reports and are part of the public record.

## 3.3 TELECONFERENCE COMMUNICATIONS

Periodic teleconference calls between those involved in the relicensing process may occur on an “as-needed” basis. PacifiCorp will be responsible for recording and distributing teleconference summaries, unless PacifiCorp is not directly involved in the conversation. In that case, the party initiating the call will summarize the call and submit it to PacifiCorp to be included in the record. Phone calls or meetings for the purpose of a caucus among various participants need not be summarized for the official record.

## 3.4 WRITTEN COMMUNICATIONS

All written communications, including meeting summaries and teleconference summaries, which any party intends to become part of the formal record should be addressed Eve Davies, Weber Relicensing project manager, PacifiCorp, 1407 W. North Temple Street, Suite 110, Salt Lake City, Utah 84116. To the greatest extent possible, correspondence should be sent in electronic format to [eve.davies@pacificorp.com](mailto:eve.davies@pacificorp.com), with a copy to [miriam.hugentobler@gmail.com](mailto:miriam.hugentobler@gmail.com).

## 3.5 CONTACT LOGS

Contact log sheets (electronic format) will be used to document oral communications intended to become part of the official record. Contact log sheets will include all information pertinent to the communication, i.e., individuals involved, titles, date of communication, subject of communication, issues discussed, and action to be taken.

## 3.6 COMMUNICATION WITH FERC STAFF

The FERC has determined that its ex-parte rule prohibiting off the record communications does not apply to the alternative relicensing process because the alternative procedures occur before a license application is filed, prior to any “proceeding” at the Commission. Therefore, any participant may communicate with FERC staff during the pre-filing process without any special documentation of the communication, although a summary of the communication to the larger Weber relicensing group, if appropriate, would be beneficial in keeping with the collaborative nature of the process.

## 3.7 PUBLIC REFERENCE FILE

PacifiCorp will maintain a complete public reference file at its North Temple Office in Salt Lake City, Utah. Copies of all written correspondence, meeting notes, study plans, study reports, and telephone discussion notes related to the Weber Hydroelectric Project relicensing process will be kept on file at

the offices of PacifiCorp, 1407 W. North Temple Street, Suite 110, Salt Lake City, Utah 84116, and on PacifiCorp's Weber Hydroelectric Project relicensing website. Materials will be available for review and copying by any member of the public at these locations.

## 4 COMMUNICATION PROTOCOL

Interest group members will act in good faith at all times and work towards understanding and agreement for committee tasks. Good faith also includes making the effort to resolve differences, disclosing problems or issues early in the process, following through on commitments, sharing information on related matters, and characterizing individual or caucus viewpoints fully and accurately.

The group does not intend to restrict the free flow of discussion or information, written or verbal, between the members, caucuses, or technical staff. This a problem-solving group.

### 4.1 COMMUNICATION WITHIN THE COMMITTEE

- The purpose of interest group discussions is to find agreement among the Parties. Members will respect the interests of all Parties and will try to incorporate the goals of all Parties into its recommendations. Statements, positions, and offers made during the process are voluntary and are made only for purposes of the planning process.
- Discussions of substance and development of solutions will focus on interests and concerns rather than positions and demands. Members will respect the concerns and interests of others, whether or not they are in agreement. Members will work in the spirit of giving the same priority to solving the problems of others as their own.
- Members will seek commonalities in their respective views and will seek to identify convergences of mission, opinion and values.
- Members will state their own concerns and interests clearly, listen carefully to others, and explore issues from all points of view before forming conclusions.
- Members and their caucus members agree that successful collaboration depends upon individuals who refrain from speaking independently or characterizing the process.
- With regard to internal written material, members agree not to characterize the motivations or positions of any other participant or caucus. All written communication regarding the groups is to be sent to all members of the group.

### 4.2 COMMUNICATION WITH CONSTITUENTS

- Members are responsible to keep the other members of their organization regularly informed by relaying information, presenting ideas in a fair manner and communicating decisions.
- Decisions will be made by the group in a manner that allows time to communicate within constituents. However, once a decision is made, members do not have to wait for approval from the group to communicate with their constituents.

#### 4.3 COMMUNICATION WITH THE PUBLIC

- If contacted by members of the public or the media, participants agree to speak only for his or her organization on specific elements of implementation, and to forward to the Weber Relicensing Program Manager and the other parties inquiries that affect other members of the group.
- Participants will not attempt to influence the public, lobbyists or the media unless requested to do so by the group. Participants agree not to reach out as individuals or individual agencies to the public or the media in an effort to influence the process, but to approach the public and media as a collective, collaborative entity.
- Members agree to only represent positions of the group that have been agreed upon and to present those positions fully and accurately, including any formal dissent.
- A Communication Subcommittee may be designated as needed whose responsibility will be to communicate information to the public and media. However, any member of the group may speak to the public regarding group decisions if they feel comfortable and able to do so.