

# BPA Policy 250-1

## Records of Decision

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## 1. Purpose & Background

BPA develops and publishes Records of Decision (ROD) in accordance with both legal requirements and its own operational practices. This policy states requirements, standards, and guidance for developing, approving, publishing, and managing Records of Decision.

A properly authored ROD can provide a full explanation for a final decision made by the Administrator and offer the thinking and analysis supporting the decision. When a decision by the Administrator is challenged in federal court, the ROD presents BPA's prima facie case for its decision.

## 2. Policy Owner

The BPA Administrator owns this policy. The Executive Correspondence Officer is the point-of-contact for the Transmittal for Administrator/CEO Action review and approval process. For assistance regarding a specific ROD, contact the organization responsible for its development.

## 3. Applicability

This policy applies when BPA creates a ROD. RODs are regularly created in the following circumstances:

- A. When BPA performs a final action identified in the *Pacific Northwest Electric Power Planning and Conservation Act* (NW Power Act), including:
  - 1. Sales, exchanges, and purchases of electric power,
  - 2. Resource acquisitions,
  - 3. Implementation of conservation measures,
  - 4. Payment or reimbursement of investigation and preconstruction expenses of a resource sponsor,
  - 5. Granting of billing credits,
  - 6. Final power or transmission rate determinations, and
  - 7. Makes a rule governing impact aid payments.
- B. When BPA makes a final decision to take a proposed action that was the subject of an Environmental Impact Statement under the *National Environmental Policy Act*.
- C. When BPA, in its discretion, develops a ROD to publicly explain and memorialize a BPA decision.

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## 4. Terms & Definitions

- A. **Administrator's Chronological File:** An electronic repository containing reference copies of documents signed by the Administrator.
- B. **Originating Office:** The BPA organization developing a ROD.
- C. **Record of Decision (ROD):** The administrative record (public document) that formally records and explains the reasoning for a decision made by the Administrator. It includes
  - 1. Discussion of the needs and factors balanced in coming to the decision, such as economic and technical factors; BPA's mission; laws and regulations; political considerations; and responses to public comments, if any; and
  - 2. Content required by law applicable to the specific category of decision being memorialized.
- D. **Transmittal for Administrator/CEO Action Process (TAC Process):** A process defined in *Correspondence Style Guide and TAC Process Manual* for bringing a document to the Administrator for official approval after a documented review by BPA executives.

## 5. Policy

### A. Decision to develop a ROD

- 1. Where there is a statutory requirement for BPA to develop a decisional record under a public process, that record must be a ROD.
- 2. The discretionary production of a ROD is a strategic call, and occurs only in close consultation with the Office of General Counsel (OGC), the Executive Office, Communications, National Relations, and other internal stakeholders, as appropriate, given the nature and scope of the issue.

### B. ROD ownership

For federal record management purposes, the Originating Office is the office of record for the ROD it develops.

### C. Development and approval

- 1. Typically RODs are based on the administrative record that supports final actions subject to legal challenge and must be developed in close coordination with OGC.
- 2. The Originating Office coordinates publication of any required Federal Register notices in accordance with *BPA Policy 250-3 – Federal Register Notices*.
- 3. A ROD is developed in accordance with procedural requirements defined in law or policy applicable to the category of decision, as defined in § 3 of this policy. In the absence of specific requirements, the Originating Office ensures public notice and

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participation procedures, if any, adhere to general legal requirements, consulting with OGC as necessary.

4. The Originating Office ensures its RODs are subject to BPA executive review via the TAC Process before submission to the Administrator for final approval.
5. RODs are approved by Administrator signature.
6. In accordance with the TAC Process, the Executive Correspondence Officer maintains a reference copy of each ROD and its related documents in the Administrator's Chronological File.

**D. Publication of an approved Record of Decision**

1. The Executive Correspondence Officer promptly submits each approved ROD to Communications for publication, and to the BPA Visitor Center for accession.
2. Communications maintains a library of approved RODs on BPA's publically accessible website ([www.bpa.gov](http://www.bpa.gov)). All approved RODs are published to the website.
3. Communications, in close consultation and coordination with the Originating Office, is responsible for developing and implementing a communication plan. The Originating Office is responsible for disseminating copies of the ROD to internal and external stakeholders accordingly.
4. Environmental Planning and Analysis (EC) submits NEPA generated RODs for publication in the Federal Register in accordance with *10 CFR 1021 – DOE NEPA Implementing Procedures*.

**6. Policy Exceptions**

For some transmission and power products and services BPA sets rates without a formal NW Power Act required rate setting process. In these cases, BPA is not required to produce and publish a ROD. *Appendix A: Adjustments Not Requiring a Supporting ROD* lists these products and services.

**7. Responsibilities**

**A. Administrator**

1. Decides whether to approve a ROD.
2. Designates the Executive Correspondence Officer and NEPA Compliance Officer.
3. Owns the TAC Process, and sets related standards and procedures.

**B. Executive Correspondence Officer**

1. Receives each ROD submitted to the Administrator via the TAC Process and coordinates its review by the Administrator. Works with the Originating Office to

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communicate feedback from TAC reviewers and the Administrator’s approval or disapproval decision.

2. Stores a reference copy of each ROD in the Administrator’s Chronological File.
3. Submits a reference copy of each approved ROD to Communications for publication and the BPA Visitor Center for accession.

**C. Senior Vice President, Power Services; Senior Vice President, Transmission Services**

1. Directs development of rates for BPA-provided power and transmission products and services in accordance with the *Pacific Northwest Electric Power Planning and Conservation Act* (16 USC §§ 839 et seq.).
2. Coordinates maintenance of *Appendix A* to this policy by communicating to the Policy Program Office when a rate for a power/transmission product or service is developed without requiring a ROD.

**D. NEPA Compliance Officer**

Oversees development of environmental impact statements (EIS) required under the National Environmental Policy Act (NEPA) and related RODs in accordance with *10 CFR 1021 – DOE NEPA Implementing Procedures, DOE Order 451.1B – NEPA Compliance Program, BPAM 900 – Basic Environmental Policies & Responsibilities*, and this policy.

**E. Originating Office**

1. Develops RODs in accordance with this policy.
2. Assigns a point of contact for each ROD it develops, and includes contact information within the ROD document and in related correspondence. The point of contact may be an individual or group, and is responsible for receiving and responding to public comments.
3. Conducts TAC review for a ROD via *BPA Form 1325.68e* and coordinates with reviewers to resolve comments prior to submission of the ROD for Administrator approval.
4. For federal records management purposes, is the office of record for a ROD it develops along with related documents.

**F. The Office of General Counsel (OGC)**

Ensures the legal sufficiency of RODs and their development processes.

**G. Communications**

1. Maintains a library of ROD documents on BPA’s publically accessible website ([www.bpa.gov](http://www.bpa.gov)).
2. Develops and implements ROD-related communication plans.

**H. BPA Visitor Center**

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Maintains reference copies of submitted RODs documents in its collection.

**I. Policy Program Office**

Revises *Appendix A* to this policy as required.

**8. Standards & Procedures**

**8.1 Standards**

N/A

**8.2 Procedures**

- A. Correspondence Style Guide and TAC Process Manual
- B. BPA Form 1325.68e – Transmittal for Administrator/CEO Action

**9. Performance & Monitoring**

- A. The Executive Correspondence Officer monitors
  - 1. Compliance with the TAC Process, and
  - 2. This policy’s continuing effectiveness and alignment with BPA’s mission and strategic goals.
- B. OGC monitors individual RODs and related notice, development, publication and communications processes for legal sufficiency.

**10. Authorities & References**

**10.1 Authorities**

- A. 16 USC §§ 839 et seq., Pacific Northwest Electric Power Planning and Conservation Act
- B. 5 USC §§ 551 et seq., Administrative Procedure Act
- C. 42 USC §§ 4321 et seq., National Environmental Policy Act
- D. Directives Equivalency Approval Memorandum (for DOE O 451.1B), 10/9/2015, BPA, from David Kennedy through Claudia Andrews and Thomas McDonald to DOE
- E. BPA Manual Ch. 900, Basic Environmental Policies & Responsibilities
- F. BPA Policy 250-3, Federal Register Notices

**10.2 References**

- A. 10 CFR 1021, DOE NEPA Implementing Procedures
- B. DOE Order 451.1B, National Environmental Policy Act Compliance Program

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- C. BPA Form 1325.68e – Transmittal for Administrator/CEO Action
- D. 44 USC §§ 3101 et seq., Federal Records Act
- E. 40 CFR Parts 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

**11. Review**

This policy is scheduled for cross agency review, coordinated by the Policy Program Office, in 2021.

**12. Revision History**

This chart contains a history of the revisions and reviews made to this document.

<b>Version Number</b>	<b>Issue Date</b>	<b>Brief Description of Change or Review</b>
2.0	1/4/2017	Major revision to BPA Policy 250-1, version 1.0 (July 23, 2010). <ul style="list-style-type: none"> <li>• Corrected to reflect current ROD approval, administration, and publication practices.</li> <li>• Defines circumstances where BPA produces RODs.</li> </ul>

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# Appendix A: Adjustments Not Requiring a Supporting ROD

## Non-rate sources of Power Revenue

<i>Revenue Category</i>	<i>Specific Line item</i>	<i>Notes</i>
US Treasury Credit	Colville settlement	Treasury credit calculation based on contractual terms
Long-Term Contractual Obligation	WNP3 Settlement	Based on cost to operated local nuclear power plants and mutually agreed market rates
US Treasury Credit	4(h)(10)(c)	Treasury credit calculation based on contractual terms
Misc Revenue	Energy Efficiency Revenues	Rate neutral due to offsetting/equal expense
Misc Revenue	Irrigation Pumping Power	Rates for the forecast set in long-term contracts
Misc Revenue	Downstream benefits	Rates for the forecast set in long-term contracts
Misc Revenue	Reserve Energy	Rates for the forecast set in long-term contracts

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## Non-rate sources of Transmission Revenue

<i>Revenue Category</i>	<i>Specific Line item</i>	<i>Notes</i>
Use of Facilities Transmission	Fixed Dollar Amount	
UFT	Variable Service Amount	
O&M Non-Federal Facility	Various agreements with transmission owners	
O&M Federal Facility		
PCS Wireless Lease	Leases by others to use BPA towers and poles for PCS	
PCS Construction		
PCS O&M		
Land Use/Lease/Sale		
Miscellaneous Leases		
Right-of-Way Leases		
3 <sup>rd</sup> AC RAS Generation Dropping		
AC RAS Load Tripping		
Transmission Share of IPP		
Use of Communication Equipment		
Transmission Processing Fee		

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