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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, *et al.*

Civil No. 01-640-RE

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE, *et al.*

Defendants.

**FEDERAL DEFENDANTS’
REPORT ON POWER RATE CASE**

In their comments on the Third Status Report, the Treaty Tribes asserted that Bonneville

Power Administration's ("BPA's") rate proposal would not allow BPA to increase funding for salmon recovery and still meet its goal to repay the United States Treasury. At the status conference, it was agreed that the Federal Defendants would submit a brief response to the Treaty tribe's assertion. That response is attached hereto as Attachment 1.

At the status conference, we pointed out that BPA is not before this Court and that the Ninth Circuit is the only court with jurisdiction over the BPA's rate case. Accordingly, we submit this response solely for the purpose of keeping the Court informed and with the understanding that the issue is not before the Court for decision or action.

RESPECTFULLY SUBMITTED,

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United States Department of Justice
Environment and Natural Resources Division

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CERTIFICATE OF SERVICE

Pursuant to Local Rule Civil 100.13(c), and F.R. Civ. P. 5(d), I certify that on August 8, 2006, the foregoing "Federal Defendants' Report on Power Rate Case" will be electronically filed with the Court's electronic court filing system, which will generate automatic service upon on all Parties enrolled to receive such notice. The following will be manually served by overnight mail:

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