

December 2, 2013

VIA U.S. MAIL AND EMAIL

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Subject: Withdrawal and Resubmittal of Section 401 Water Quality Certification for PacifiCorp Energy's Klamath Hydroelectric Project (FERC No. 2082), Siskiyou County

Dear Mr. Howard:

In February 2004, PacifiCorp (now PacifiCorp Energy) applied to the Federal Energy Regulatory Commission for a new major license for its Klamath Hydroelectric Project (Project) on the Klamath River in California and Oregon. In conjunction with that application, PacifiCorp Energy on March 29, 2006, requested that the State Water Resources Control Board (SWRCB) certify the California portions of the Project pursuant to section 401 of the federal Clean Water Act (33 USC § 1341, California Water Code § 13160, and 23 C.C.R. Chpt. 28). This request was withdrawn and simultaneously resubmitted to the SWRCB on February 28, 2007, and again on February 22, 2008. More recently, on July 11, 2008, PacifiCorp withdrew its application to facilitate settlement negotiations for a long-term settlement of the project. By letters dated August 22, 2008 and September 22, 2008, the SWRCB requested that PacifiCorp resubmit its application for water quality certification so that the certification process could continue. The application was resubmitted to the SWRCB on September 26, 2008.

Subsequently, the application was withdrawn and simultaneously resubmitted to the SWRCB on September 10, 2009, August 25, 2010, August 3, 2011, July 17, 2012, and December 18, 2012. In a response letter dated January 3, 2013, the SWRCB concluded that the letter initiated a one-year time clock from the date received for the SWRCB to act on the request for water quality certification.

As the SWRCB is aware, on June 13, 2013, PacifiCorp provided an update on implementation of the Klamath Hydroelectric Settlement Agreement (KHSA) and PacifiCorp's plan and schedule to make necessary revisions to its 401 water quality certification application to incorporate relevant information developed over the past several years. The SWRCB responded to this correspondence on June 28, 2013, acknowledging the schedule laid out by PacifiCorp. As requested in the SWRCB's response, PacifiCorp and SWRCB staff met to discuss the planned 401 application

revisions on July 29, 2013. At this time, PacifiCorp's substantive 401 revisions are proceeding consistent with the schedule previously communicated to the SWRCB.

In order to avoid issues about waiver of certification during this period when PacifiCorp is preparing substantive revisions to its 401 water quality certification application, PacifiCorp Energy hereby formally withdraws and resubmits, as of the date of this letter, its pending request for certification of the California portions of the Project pursuant to section 401. The resubmitted application is identical to the application that was resubmitted on September 26, 2008.

Please acknowledge receipt of this letter and confirm acceptance of the application.

Pursuant to applicable statutes and regulations, PacifiCorp Energy is providing notice of the resubmitted application to the Executive Officer of the North Coast Regional Water Quality Control Board, via copy of this letter.

If you have any questions on the application, please feel free to contact me at (503) 813-6170.

Sincerely,

A handwritten signature in blue ink that reads "Tim Hemstreet". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Tim Hemstreet, P.E.
Project Manager

cc: Mr. Matt St. John, NCRWQCB
Ms. Erin Ragazzi, SWRCB
Mr. Parker Thaler, SWRCB
Mr. Robert Donlan, Ellison, Schneider & Harris