

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

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| Confederated Salish and Kootenai Tribes |) | Docket No. P-5-100 |
| Energy Keepers, Incorporated |) | Accession No. 20151022-5037 |
| |) | Accession No. 20151022-5038 |

**SUPPLEMENT TO
MOTION OF TED HEIN, DEAN BROCKWAY, BUFFALO WALLOW LLC,
WESTERN WATER USERS ASSOCIATION LLC,
GENE ERB, JR., PAUL A. and BARBARA GRIECO,
MARY K. MATHEIDAS, R. ROY and SHEILA M. C. VALLEJO
FOR LEAVE TO FILE A MOTION TO INTERVENE IN THE
ARTICLE 40(C) HEARING OF THE KERR HYDROELECTRIC PROJECT LICENSE
AND TO PARTICIPATE IN THE SETTLEMENT JUDGE PROCEDURES ORDERED
BY THE CHIEF ADMINISTRATIVE JUDGE
WHILE THE ARTICLE 40(C) HEARING IS HELD IN ABEYANCE**

1. Ted Hein, Dean Brockway, Buffalo Wallow LLC, Western Water Users Association LLC, Gene Erb, Jr., Paul A. and Barbara Grieco, Mary K. Matheidas, and R. Roy and Sheila M.C. Vallejo, the remaining Movants in the above-referenced matter, by their undersigned counsel, submit as part of the administrative record the following supplementary information to support their public and nonpublic filings (20151022-5037 and 20151022-5038, respectively).
2. Movants hereby supplement their Motion to Intervene with additional information evidencing the inappropriate behaviors of the Flathead Joint Board of Control (“FJBC”), through its Chairman, a member of the FJBC Board of Commissioners, and the FJBC’s retained Montana and Washington, D.C. (“D.C. counsel”) counsels since Movants’ October 22, 2015 filings. In particular, the FJBC’s Montana and D.C. counsels have intentionally contacted and/or communicated with, in a hostile, harassing and/or intimidating manner, directly and through others, a number of the undersigned counsel’s clients about the subject of the settlement conference proceedings now before this Agency. These contacts and communications took place

during the past month preceding, during and following regularly and specially convened FJBC meetings at which Montana and D.C. counsel were present in person and via telephone, including FJBC Executive Committee meetings. At such meetings, the FJBC's Montana and D.C. counsels especially singled out for harassment one of the undersigned counsel's clients (Mr. Hein). Apparently, the FJBC's Montana and D.C. counsels' objective has been to: 1) disrupt the undersigned counsel's representation of his clients; and 2) seriously interfere with the administration of justice by "persuading" the undersigned counsel's clients to withdraw from this Motion to Intervene. The FJBC's Montana and D.C. counsels have engaged in these objectionable behaviors, which have succeeded in persuading several of the undersigned counsel's clients to withdraw from this Motion to Intervene, with full knowledge that such persons are and were represented by the undersigned counsel. The FJBC's Montana and D.C. counsels' objectionable behaviors arguably contravene the letter and spirit of Rules 4.2(a), (*See* Comment 8 thereof) and 8.4(a) and (d) (*See* Comment 3 thereof) of the D.C. Rules of Professional Responsibility. In addition, the FJBC's D.C. and Montana counsels' behaviors arguably violate, respectively, Rule 8.5(a), and 8.5(b) and 1.0(n), of the D.C. Rules of Professional Responsibility (Exhibit 1).

3. The FJBC's Montana and D.C. counsels have engaged in these objectionable behaviors (Exhibits 2 and 3) even though Movants, by their undersigned counsel, have in good faith extended two offers to withdraw their Motion to Intervene. These offers have primarily endeavored to secure the FJBC's consideration and inclusion of Movants' concerns with the FJBC's settlement conference negotiation position(s) and their consent to Movants' participation in FJBC settlement conference negotiating efforts (Exhibits 4 and 5).

4. Consistent with 18 C.F.R. § 385.214(d)(1)(iii), this information further demonstrates that the FJBC/Districts, through their legal and non-legal representatives, and consequently, the FJBC proposed negotiating position do not adequately represent Movants' interests in these FERC-ordered settlement conference proceedings.

Wherefore, for the foregoing reasons, Movants respectfully request that they each be permitted to intervene in, and be made a party to, the subject proceedings, with all rights attendant thereto.

Respectfully submitted

November 4, 2015

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By: _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the participants, to date, in this proceeding in accordance with the requirements of Rule 2010 (18 C.F.R. § 385.2010) of the Commission’s Rules of Practice and Procedure.

New York, NY
October 31, 2015

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