

UNITED STATES OF AMERICA
U.S. DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION

2010 WHOLESALE POWER	)	BPA Docket	BPA-10
AND TRANSMISSION RATE	)		WP-10
ADJUSTMENT PROCEEDING	)		TR-10

ORDER GRANTING INTERVENTION AND AMENDING SERVICE LIST

By Federal Register Notice dated February 10, 2009 (Vol. 74, No. 26), petitions to intervene in this proceeding were required to be filed by 4:30 p.m., Pacific Time, on February 17, 2009. All timely petitions to intervene were granted by the Hearing Officer in WP-10-HOO-07 / TR-10-HOO-07.

On April 10, 2009, Los Angeles Department of Water and Power (LADWP) served, via mail and electronic mail, a Petition to Intervene on all persons designated on the service list. On April 13, 2009, the Hearing Officer published an Order, WP-10-HOO-23 / TR-10-HOO-15, notifying Parties of LADWP's late-filed petition and establishing a deadline of 4:30 p.m., Pacific Time, on April 15, 2009, for Parties to respond. No objections to LADWP's petition were filed.

Untimely petitions to intervene are governed by Section 1010.4(c)(2) of BPA's Rules of Procedure Governing Rate Hearings ("Rules"):

Late interventions are strongly disfavored. Granting an untimely petition to intervene must not be a basis for delaying or deferring any procedural schedule. A later intervenor must accept the record developed prior to its intervention. In acting on an untimely petition, the hearing officer shall consider whether: (i) the petitioner has a good reason for filing out of time, (ii) Any disruption of the proceeding might result from allowing a later intervention, (iii) The petitioner's interest is adequately represented by existing parties, and (iv) Any prejudice to, or extra burdens on, existing parties might result from permitting the intervention.

LADWP operates as a vertically integrated utility serving 1.4 million customers in the City of Los Angeles. It owns generation, transmission, and distribution facilities, engages in the purchase, sale, and exchange of surplus electric energy in wholesale markets, and is a transmission customer of BPA.

LADWP serves its customers with a diverse mix of power generation options, including renewable generation and wind power projects that deliver energy using the BPA transmission system. LADWP plans to enter more long-term wind and renewable energy

transactions that will potentially include project ownership rights in 2009-2010, and will require the use of the BPA transmission system. As a consequence, LADWP has a significant interest in the cost of transmission of wind and other renewable energy on BPA's transmission system.

LADWP explains that its late-filed petition results from increased efforts to seek opportunities to purchase renewable resources that require interconnection with BPA's transmission system. Because the issues in this proceeding impact LADWP's interests, it has determined that it must seek party status. LADWP states that it has a unique interest that cannot be adequately represented by other parties because it purchases from, and will potentially invest in, wind and other renewable energy projects that have a variety of locations and project characteristics.

LADWP agrees to accept the procedural schedule and record as currently developed, and represents that its intervention will not delay or defer the procedural schedule. It states that its participation will prejudice or burden any current party.

LADWP's Petition to Intervene is granted. LADWP has provided a reasonable explanation for its late filing and explained why its interests may not be adequately represented by other existing parties. In accordance with Section 1010.4(c)(2), a Person filing an untimely Petition to Intervene must accept the record developed prior to its intervention. Because the Parties have already filed their direct cases in this proceeding, any testimony filed by LADWP shall be limited to rebutting the Parties' direct cases. The only exception is that LADWP may file direct testimony on May 1, 2009 concerning the specific issues identified in Order WP-10-HOO-11. Subject to these limitations, CFAC's intervention will not delay the proceeding, burden the record or prejudice other Parties. The Service List is hereby amended to reflect CFAC's Party status and is attached to this Order.

SO ORDERED, April 16, 2009

/s/ Samuel J. Petrillo
Samuel J. Petrillo
BPA-10 Hearing Officer

ATTACHMENT A
WP-10-HOO-24 / TR-10-HOO-16

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(alphabetical by Party code)**

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