

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

2012 RATE ADJUSTMENT PROCEEDING)
)
)

Docket Number BP-12

ORDER GRANTING INTERVENTION AND AMENDING SERVICE LIST

By Federal Register Notice dated November 18, 2010 (Vol. 75, No. 222), Petitions to Intervene in this proceeding were required to be filed by 3:00 p.m., Pacific Time, on November 24, 2010. All timely Petitions to Intervene were granted by the Hearing Officer in BP-12-HOO-07.

On November 30, 2010, the Hearing Officer issued an Order, BP-12-HOO-09, notifying Parties of a Petition to Intervene by Franklin PUD (Franklin) submitted past the deadline. The Order established a deadline of 4:30 p.m., Pacific Time, on December 1, 2010, for Parties to file objections to Franklin's Petition to Intervene. No objections to Franklin's Petition to Intervene were filed.

Late Petitions to Intervene are governed by Section 1010.4(c)(2) of Bonneville'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.

In its Petition to Intervene, Franklin states that the lateness of its Petition was due to the unavoidable absence of the person with primary responsibility for the filing of the intervention because of surgery. All others at Franklin were unaware of the filing deadline. Franklin further argues that this proceeding is in its initial stages and because of this no party to this proceeding will be prejudiced by the granting of this motion.

Franklin's Petition to Intervene is granted. Franklin has provided a reasonable explanation for its late filing and has established that its interests may not be adequately represented by existing parties. However, in accordance with Section 1010.4(c)(2), a Party filing an untimely Petition to Intervene must accept the record developed prior to its intervention. Franklin's intervention will not delay the proceeding, burden the record or prejudice other Parties. The Service List is hereby amended to reflect Franklin's Party status and is attached to this Order.

SO ORDERED, December 2, 2010

/Samuel J. Petrillo/
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BP-12 Hearing Officer

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BPA-12 Wholesale Power and Transmission Rate Adjustment Proceeding Service List (Alphabetical by Party code)

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