

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 December 2, 2010, the Hearing Officer issued an Order, BP-12-HOO-10, notifying Parties of a Petition to Intervene by Port Townsend Paper Corporation (Port Townsend) submitted past the deadline. The Order established a deadline of 4:30 p.m., Pacific Time, on December 6, 2010, for Parties to file objections to Port Townsend's Petition to Intervene. No objections to Port Townsend'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, Port Townsend states that it had not intended to intervene in this proceeding, thinking that its interests would be adequately represented by other Parties. However, Port Townsend recently discovered that a special rate design may have a substantial financial impact on Port Townsend, but no apparent impact on the Parties formerly thought to represent Port Townsend's interests. Port Townsend therefore argues that its interests in this proceeding could not be adequately represented by any existing Party. Port Townsend also argues that since its Petition was filed early in the proceeding it will not disrupt or delay the proceeding.

Port Townsend's Petition to Intervene is granted. Port Townsend 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. Port Townsend's intervention will not delay the proceeding, burden the record or prejudice other Parties. The Service List is hereby amended to reflect Port Townsend's Party status and is attached to this Order.

SO ORDERED, December 7, 2010

/s/ Samuel J. Petrillo
Samuel J. Petrillo
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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