

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION**

Fiscal Year 2016-2017 Proposed)	BPA Docket No. BP-16
Power and Transmission Rate)	
Adjustment Proceeding)	

**UNOPPOSED MOTION FOR OUT- OF-TIME FILING
OF DECLARATIONS AND DISCOVERY
OF
Calpine Corporation
TransAlta Energy Marketing (U.S.) Inc.
Northwest & Intermountain Power Coalition
as
JOINT PARTY 08**

Andrew B. Young
Partner, Mayer Brown LLP
1999 K Street, NW
Washington, DC 20006

*Counsel for TransAlta
Energy Marketing (U.S.) Inc.*

Carl Fink
Blue Planet Energy Law, LLC
Suite 200, 628 SW Chestnut Street
Portland, OR 97219

*Counsel for Northwest & Intermountain
Power Coalition*

Craig Gannett
Davis Wright Tremaine LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101

Counsel for Calpine Corporation

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For the reasons stated herein, Joint Party 08 hereby moves on an out-of-time basis for the acceptance of the attached witness declarations, and for admission into evidence of the attached discovery responses. Based on the lack of objection to the notice provided by Joint Party 08 to all other parties, this motion is unopposed.

Due to an oversight, Joint Party 08 did not file witness declarations or a motion to introduce discovery responses into evidence by the April 17, 2015 deadline established in the Hearing Officer's April 10, 2015 Order on Procedures to Admit Evidence (BP-16-HOO-17), as clarified by the Hearing Officer's April 16, 2015 Order Clarifying Procedures to Admit Evidence (BP-16-HOO-19). More specifically, the undersigned counsel was serving as lead counsel in a hearing in Anchorage from April 6 through April 17, and did not become aware of the April 17 deadline until May 4, 2015.

At the suggestion of the Rate Clerk, the undersigned emailed the other parties shortly after 8 am on May 5, 2015, notifying them of Joint Party 08's intention to file this motion, and asking them to indicate via email by 9 am on May 6, 2015 if they intend to object. Appended as Attachment A is a copy of that email. As of 9 am on May 6, no parties had indicated any objection. In addition, given the current stage of this proceeding and the nature of the relief requested, no disruption of the proceeding will result and no party will be prejudiced or otherwise burdened by the granting of this motion.

1 Therefore, for good reason shown, Joint Party 08 moves that the following witness
2 declarations (copies of which are appended as Attachment B) be accepted, and that its
3 testimony and statements of qualifications be admitted into evidence on that basis:

- 4 • Declaration of Mark J. Smith
- 5 • Declaration of Stephen Lincoln
- 6 • Declaration of Robert Kahn

7 Joint Party 08 further moves that the following discovery requests and responses (copies of
8 which are appended as Attachment C) be admitted into evidence:

- 9 • CP-BPA-001
- 10 • CP-BPA-006
- 11 • CP-BPA-008

12 Once this motion has been acted upon, Joint Party 08 will file an erratum to its initial
13 brief, indicating the status of each of its exhibits.

14 //

15 //

16 //

Andrew B. Young
Partner, Mayer Brown LLP
1999 K Street, NW
Washington, DC 20006

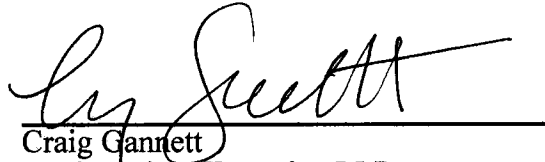
*Counsel for TransAlta
Energy Marketing (U.S.) Inc.*

Carl Fink
Blue Planet Energy Law, LLC
Suite 200, 628 SW Chestnut Street
Portland, OR 97219

*Counsel for Northwest &
Intermountain Power Coalition*

Dated this 6th day of May, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig Gannett", is written over a horizontal line.

Craig Gannett
Davis Wright Tremaine LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101

Counsel for Calpine Corporation

DWT 26768408v3 0041036-000497

CERTIFICATE OF SERVICE

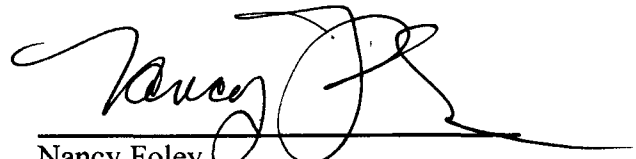
I hereby certify that I have on this day served a copy of the foregoing UNOPPOSED
MOTION OF JOINT PARTY 08 FOR OUT- OF-TIME FILING OF DECLARATIONS AND
DISCOVERY upon the individuals listed below via electronic mail:

Hearing Clerk – L-7
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
Email: rateclerk@bpa.gov

Barry Bennett, LT-7
Office of General Counsel
Bonneville Power Administration
905 N.E. 11th Ave.
Portland, OR 97232
Email: bbennett@bpa.gov

Kurt Casad, LP-7
Office of General Counsel
Bonneville Power Administration
905 N.E. 11th Ave.
Portland, OR 97232
Email: krcasad@bpa.gov

DATED this 6th day of May, 2015.



Nancy Foley
Legal Secretary
Davis Wright Tremaine LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101

ATTACHMENT A

Gannett, Craig

From: Gannett, Craig
Sent: Tuesday, May 05, 2015 8:16 AM
To: 'cwcollar@snopud.com'; 'jkallstrom@snopud.com'; 'gфина@snopud.com';
'smithmj@calpine.com'; Gannett, Craig; 'bbridge@nru-nw.com'; 'mstratman@nru-nw.com'; 'TWhite@idahopower.com'; 'r.blair.strong@painehamblen.com';
'CWaites@idahopower.com'; 'kpom@ppcpdx.org'; 'mdeen@ppcpdx.org';
'nbaker@ppcpdx.org'; 'iscruggs@ppcpdx.org'; 'dina@renewableNW.org';
'cameron@renewableNW.org'; 'pjs@dwgp.com'; 'davidarthurconsulting@yahoo.com';
'erin.apperson@pse.com'; 'lynn.dillender@pse.com'; 'dkari@perkinscoie.com';
'jkuzma@perkinscoie.com'; 'bill.fosbre@cityoftacoma.org'; 'jrussell@cityoftacoma.org';
'rapplegate@cityoftacoma.org'; 'kevin.holland@avistacorp.com';
'michael.andrea@avistacorp.com'; 'cindy.wright@seattle.gov';
'eric.espenhorst@seattle.gov'; 'sdeleonard@earthlink.net'; 'engel.lee@seattle.gov';
'jdw@dvclaw.com'; 'brmullins@mwanalytics.com'; 'jdelgado@caithnessenergy.com';
Cameron, John; Green, Derek; 'ryann@millcreeklaw.com'; 'terrym@millcreeklaw.com';
'saleba@eesconsulting.com'; 'falcon@eesconsulting.com'; 'BMoore@clarkpud.com';
'cpeterson@clarkpud.com'; 'Jeff.Erb@pacificorp.com'; 'Patrick.Cannon@pacificorp.com';
'karen.kruse@troutmansanders.com'; 'Amber.Wyatt@sce.com'; 'Case.Admin@sce.com';
'karen.mcdonald@powerex.com'; 'tyler.johnson@bgllp.com'; 'paul.fox@bgllp.com';
'tracey.bradley@bgllp.com'; 'ccopat@e-z.net'; 'jennifer.solomon@exeloncorp.com';
'mary.lynch@constellation.com'; 'John.Dennis@LADWP.com';
'Syndi.Driscoll@LADWP.com'; 'ABA@vnf.com'; 'toan.nguyen@iberdrolaren.com';
'erin.kester@iberdrolaren.com'; 'lara.skidmore@troutmansanders.com';
'jasmine.hites@troutmansanders.com'; 'david.white@pgn.com';
'stefan.brown@pgn.com'; 'chill@pngcpower.com'; 'ascott@pngcpower.com';
'gmendonca@pngcpower.com'; 'jmfarrar@tid.org'; 'gdo@duncanallen.com';
'amb@duncanallen.com'; 'dcohen@navigant.com'; 'jlillarreal@bpa.gov';
'nparker@bpa.gov'; 'lmdimitman@bpa.gov'; 'krcasad@bpa.gov'; 'bbennett@bpa.gov';
'rateclerk@bpa.gov'; 'rdbliven@bpa.gov'; 'refredrickson@bpa.gov'; 'cwgriffen@bpa.gov';
'steve.lincoln@transalta.com'; 'andrew.young@klgates.com';
'mdotten@martenlaw.com'; 'zkearns@martenlaw.com'; 'jackspeer1@mac.com';
'pmurphy@mbllp.com'; 'pbrachvogel@cowlitzpud.org'; 'ghuhta@cowlitzpud.org';
'bessex@cowlitzpud.org'; 'megan.capper@eweb.org'; 'catherine.gray@eweb.org';
'lesparza@franklinpud.com'; 'atwong@teainc.org'; 'kindleylaw@comcast.net';
'johnsonc@bentonpud.org'; 'pmcgary@clarkpud.com'; 'acchan@bpa.gov';
'cpeterson@clarkpud.com'; 'cgmcdonnell@bpa.gov'; 'ojkaufman@bpa.gov';
'Dustin.Till@pacificorp.com'
Subject: BPA Rate Case/Joint Party 08's Out-of-Time Motion

Dear Parties, I am writing on behalf of Joint Party 08 (Calpine, TransAlta, and NIPPC). Due to an oversight, we did not file witness declarations or a motion to introduce discovery requests into evidence by the April 17 deadline. By way of explanation, I was serving as lead counsel in a hearing in Anchorage from April 6 through April 17, during which time the Hearing Officer in this case issued his orders of April 10 and April 16 regarding these matters. We therefore intend to file a motion to correct both of these matters out-of-time.

At the suggestion of the Rate Clerk, I am writing to ask whether any party intends to oppose such a motion. Please let me know ASAP via email if you intend to oppose our motion. If I do not receive such an email by 9 am tomorrow morning (May 6), I intend to state in our motion that no party has indicated

opposition. Once that motion has been acted upon, we will also file an errata to our initial brief, indicating the status of each exhibit.

My apologies for any inconvenience this has caused. We appreciate your consideration.

Craig

Craig Gannett | Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200 | Seattle, WA 98101
Tel: (206) 757-8048 | Fax: (206) 757-7048 | Mobile: (206) 605-3638
Email: craiggannett@dwt.com | Website: www.dwt.com
Bio: www.dwt.com/lawdir/attorneys/GannettCraig.cfm

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.



Please consider the environment before printing this email.

ATTACHMENT B

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

BEFORE THE

BONNEVILLE POWER ADMINISTRATION

FY 2016-2017 Proposed Power

Transmission Rate Adjustments

) BPA Docket No. BP-16

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DECLARATION OF MARK J. SMITH

I, Mark J. Smith, do hereby declare under penalty of perjury that I am one of the sponsors of the testimony at BP-16-E-JP08-01, and of my qualification statement in BP-16-Q-CP-01, that the facts set forth in them are true and correct to the best of my knowledge, and that if asked the questions contained in those texts, I would give the answers contained in the testimony and qualification statement.

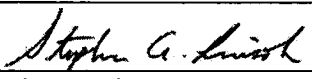
<u>Mark J. Smith</u> Witness Name	<u>May 5, 2015</u> Date
 Witness Signature	

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION

FY 2016-2017 Proposed Power) BPA Docket No. BP-16
Transmission Rate Adjustments	

DECLARATION OF STEPHEN LINCOLN

I, Stephen Lincoln, do hereby declare under penalty of perjury that I am one of the sponsors of the testimony at BP-16-E-JP08-01, and of my qualification statement in BP-16-Q-TC-01, that the facts set forth in them are true and correct to the best of my knowledge, and that if asked the questions contained in those texts, I would give the answers contained in the testimony and qualification statement.

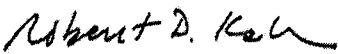
<u>Stephen Lincoln</u> Witness Name	<u>May 5, 2015</u> Date
 Witness Signature	

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION

FY 2016-2017 Proposed Power) BPA Docket No. BP-16
Transmission Rate Adjustments	

DECLARATION OF ROBERT KAHN

I, Robert Kahn, do hereby declare under penalty of perjury that I am one of the sponsors of the testimony at BP-16-E-JP08-01, and of my qualification statement in BP-16-Q-NI-1, that the facts set forth in them are true and correct to the best of my knowledge, and that if asked the questions contained in those texts, I would give the answers contained in the testimony and qualification statement.

<u>Robert Kahn</u> Witness Name	<u>May 5, 2015</u> Date
 Witness Signature	

ATTACHMENT C

Request Detail

Request ID: CP-BPA-1
Page Number: 15
Line Number: 16-19
Exhibit Filing: BP-16-E-BPA-14

Technical Contact Name: Craig Gannett
Technical Contact Phone: 206.757.8048
Technical Contact Email: craiggannett@dwt.com
Legal Contact Name: Craig Gannett
Legal Contact Phone: 206.757.8048
Legal Contact Email: craiggannett@dwt.com

Request Text: CP-BPA-001. In reference to BP-16-E-BPA-14, page 15, lines 16-19, the witnesses state that: "We propose to adjust the segmented revenue requirement, for each segment and for each 16 year in the rate period, by the amount over- or under-allocated in BP-14. See 17 Transmission Rates Study and Documentation, BP-16-E-BPA-07, table 1, lines 10, 21, 18 & 32." Please admit or deny that the proposed adjustment is an adjustment to current rates (i.e., BP-16) for each segment to make up for previous over-or-under collections of costs from each segment from a prior period (i.e., BP-14)? If denied, provide an explanation for the denial.

Response Detail

Date Response Filed: 1/14/2015 4:15:45 PM

Contact Name:

Contact Phone:

Contact Email:

Response Text:

We deny that the proposed adjustment is an adjustment to current rates for each segment to make up for previous over- or under-collections of costs from each segment from a prior period. BPA is not making this adjustment to compensate for an over- or under-collection of the costs allocated to any segment. Instead, BPA is compensating for an incorrect allocation. For technical questions about this response, please contact Rebecca Fredrickson by phone (360) 619-6156 and/or email rfredrickson@bpa.gov. For all other questions, please contact Barry Bennett by phone (503) 230-4053 and/or email bbennett@bpa.gov.

Files Submitted for this Response:

DATA RESPONSE

**BONNEVILLE POWER ADMINISTRATION
2016 RATE ADJUSTMENT PROCEEDING**

DATA REQUEST NUMBER: CP-BPA-06

DATE: 1/12/2015

DIRECTED TO: BP-16-E-BPA-14

REQUESTOR'S NAME: Craig Gannett

AGENCY: Calpine Corporation

PAGE(S): 16

LINE(S): 22-25

DATA REQUEST:

CP-BPA-006. In reference to BP-16-E-BPA-14, at pages 16, lines 22-25, the witnesses state that: "In the case of the Utility Delivery, DSI Delivery, Montana Intertie and Townsend-22 Garrison transmission (TGT) rates, however, the application of the BP-14 error adjustment will not affect rates due to the application of additional rate policies and methodologies." To the extent that these four rates are not affected by the error adjustment, will there be additional reallocation of O&M costs to the other segments? If yes, please explain the basis of this additional reallocation and the projected impact on each of the other segments.

For technical questions about this request please contact Nancy Foley. Phone: (206.757.8582)
Email: (nancyfoley@dwt.com)

For legal questions about this request please contact Craig Gannett. Phone: (206.757.8048)
Email: (craigannett@dwt.com)

RESPONSE:

There will be no additional reallocation of O & M costs from the Eastern Intertie segment (to which the Montana Intertie and Townsend-to-Garrison transmission rates apply) to other segments.

As to the Utility Delivery and DSI Delivery segments, the rate increase for the Utility Delivery segment is capped at 25 percent, and the rates for the use of DSI Delivery segment facilities are established by contract. Because the rate for each segment is below the full revenue requirement, costs not recovered by the rate are re-allocated to other segments. These costs include the costs of the BP-14 error adjustment that otherwise would be allocated to the Utility Delivery and DSI segments.

DATA RESPONSE

BONNEVILLE POWER ADMINISTRATION 2016 RATE ADJUSTMENT PROCEEDING

The following table lists the amount of the reallocation to other segments of the BP-14 O&M error costs originally included in the Utility Delivery, and Industrial Delivery segments:

Amounts of Costs Attributable to the BP-14 O&M Error Re-Allocated to Other Segments
All Amounts in Dollars

	2016	Total	Generation Integration	Network	Southern Intertie	Industrial Delivery	Ancillary Services
1 Eastern Intertie		0	0	0	0	0	0
2 Utility Delivery		852,684	10,099	731,444	82,676	3,386	25,079
3 Industrial Delivery		949,069	11,285	817,370	92,388	-	28,025
2017							
4 Eastern Intertie		0	0	0	0	0	0
5 Utility Delivery		875,559	9,153	731,711	105,981	3,071	25,644
6 Industrial Delivery		974,209	10,220	817,019	118,337	-	28,633
Annual Averages							
7 Eastern Intertie		0	0	0	0	0	0
8 Utility Delivery		864,122	9,626	731,577	94,329	3,228	25,361
9 Industrial Delivery		961,639	10,753	817,194	105,363	-	28,329

For technical questions about this response, please contact Dave Bogdon by phone (360) 619-6412 and/or email dwbogdon@bpa.gov. For all other questions, please contact Barry Bennett by phone (503) 230-4053 and/or email bbennett@bpa.gov.

Request Detail

Request ID: CP-BPA-8
Page Number: 14-18
Line Number: 18-22
Exhibit Filing: BP-16-E-BPA-14

Technical Contact Name: Nancy Foley
Technical Contact Phone: 206.757.8582
Technical Contact Email: nancyfoley@dwt.com
Legal Contact Name: Craig Gannett
Legal Contact Phone: 206.757.8048
Legal Contact Email: craiggannett@dwt.com

Request Text: CP-BPA-008. In reference to BP-16-E-BPA-14, Section 7, identify any BPA direct testimony in this proceeding that demonstrates that the correction in BP-16 rates of the asserted O&M misallocation in BP-14 results in the equitable allocation of BP-16 rate period O&M costs between Federal and non-Federal power utilizing the BPA system.

Response Detail

Date Response Filed: 1/16/2015 2:32:47 PM
Contact Name:
Contact Phone:
Contact Email:

Response Text:

Equitable allocation of transmission costs between Federal and non-Federal power utilizing the BPA system is a legal standard that is generally not addressed in testimony. In addition, the test applies to BPA's rates in total. It cannot be applied specifically to the allocation of O & M costs. Therefore, BPA did not address this question in testimony regarding the error correction. Finally, there is no necessary relationship between correcting the error and the equitable allocation of costs between Federal and non-Federal power utilizing the system. BPA does not believe the error or its correction is relevant to this issue. If anything, correcting the error brings rates charged to users of the different segments more in line with cost causation and therefore can only result in a more equitable allocation of costs. For technical questions about this response, please contact Rebecca Fredrickson by phone (360) 619-6156 and/or email refredrickson@bpa.gov. For all other questions, please contact Barry Bennett by phone (503) 230-4053 and/or email bbennett@bpa.gov.

Files Submitted for this Response: