

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

**TC-20**

In the Matter of	)	
	)	
BONNEVILLE POWER ADMINISTRATION	)	PETITION TO INTERVENE OF THE
	)	ALLIANCE OF WESTERN ENERGY
Proposed Open Access Transmission Tariff	)	CONSUMERS
<u>Terms and Conditions Proceeding.</u>	)	

Pursuant to Sections 1010.6 and 1010.11 of the Bonneville Power Administration (“BPA”) Rules of Procedure, and BPA’s Federal Register Notice for this proceeding, the Alliance of Western Energy Consumers (“AWEC”) respectfully petitions BPA for an Order granting AWEC full party status in this proceeding. Section 1010.6(b) of the BPA Rules of Procedure states that entities that purchase power or transmission directly from BPA, as well as trade organizations representing these entities, will be granted intervention based on their petition’s conformity with Section 1010.6. The same rule, as well as Part III of BPA’s Federal Register Notice, states that all other petitioners “must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the proceeding.” As more fully set forth below, AWEC meets the standard for intervention under either of these tests because at least one AWEC member purchases transmission and/or power directly from BPA, while other AWEC members have federally adjudicated interests based on their pass-through transmission rates.

In support of this petition, AWEC represents as follows:

1. The business address of AWEC is:

Alliance of Western Energy Consumers  
818 SW 3<sup>rd</sup> Ave, #266  
Portland, OR 97204

2. AWEC will be represented in this proceeding by Davison Van Cleve, P.C. (“DVC”). AWEC requests that the following names be added to the official service list for this proceeding and that all documents relating to this proceeding be served on:

Joshua D. Weber  
Davison Van Cleve, P.C.  
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Paralegal for DVC

3. On December 6, 2018, BPA published a Federal Register Notice regarding the upcoming proceeding to consider BPA’s Proposed Open Access Transmission Tariff, designated as TC-20. As part of this public process, BPA will be conducting a formal hearing. AWEC hereby respectfully requests to participate as a party in the formal proceeding.

4. AWEC is an incorporated, non-profit association of large energy consumers in the Pacific Northwest, with offices in Portland, Oregon. A list of AWEC members is included as Attachment A. Many members of AWEC are end-use customers of BPA, as indicated on Attachment A. These members include 1) members with transmission contracts that

pass the impact of BPA's terms and conditions directly to the member, and 2) direct service industries and direct access customers that currently purchase, or will likely purchase in the future, transmission products directly from BPA.

5. AWEC should be granted intervention because its members have relevant, direct, and substantial interests in the outcome of this proceeding, as the terms and conditions that will be considered have a direct and substantial impact on the service received by AWEC's members. Since 1981, AWEC, formerly known as the Industrial Customers of Northwest Utilities ("ICNU"), has been a party to dozens of BPA proceedings. Many of AWEC's members obtain electric service from public agencies that receive all or a majority of their transmission from BPA, and these members take service through contracts that directly mirror the terms and conditions of BPA's tariff. The direct and substantial interests of end-use consumers on pass-through contracts were recognized in the decision of the U.S. Ninth Circuit Court of Appeals in Association of Public Agency Customers v. Bonneville Power Administration ("APAC"). 733 F.3d 939, 950-55 (2013). Although the issue in the APAC case was standing, and the question at hand was rate levels, issues of intervention and standing are inextricably intertwined, and just as rate decisions directly impact pass-through customers, so also do terms and conditions contained within the Tariff. Therefore, AWEC's members with pass-through transmission contracts meet the "relevant interest" requirement of Section 1010.6(b) for intervention in the current proceeding, as the terms and conditions that will be considered in TC-20 will have a direct and substantial impact on the service they receive. Granting AWEC's Petition to Intervene in this case will also be consistent with BPA's past decisions regarding AWEC's predecessor organization, ICNU, in a multitude of BPA matters over more than three decades. See, e.g., BP-

18 Order Granting Interventions (November 25, 2016), file code BP-18-HOO-06, and BP-16 Order Granting Interventions (December 16, 2014), file code BP-16-HOO-06.

6. In addition, AWEC may be granted party status as a matter of right because at least one of its members purchases transmission products directly from BPA. See Appendix A, which denotes members receiving service from BPA, including one or more required signatories to the proposed settlement. Thus, AWEC members are directly affected by the terms and conditions that BPA will consider in this proceeding by virtue of the impact these terms and conditions will have on their transmission service. AWEC's intervention in this proceeding will assist BPA in resolving the issues in this proceeding and will not unreasonably broaden the issues, burden the record, or unreasonably delay this proceeding.

7. AWEC acknowledges that as a trade association, it will not be a signatory to the proposed settlement agreement. Nonetheless, in the event that the proposed settlement agreement is not approved, AWEC will need to have party status to this proceeding in order to effectively represent the interests of all of its members whose terms and conditions of service will be impacted by this proceeding.

8. The relevant, direct, and substantial interests of AWEC's members are not represented by any other parties in this proceeding. In addition, AWEC's participation will assist BPA in its consideration of the issues that may arise in this proceeding.

WHEREFORE, AWEC respectfully requests that the Hearing Officer grant its Petition to Intervene with full party status in this proceeding.

DATED this 11th day of December, 2018.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Joshua D. Weber

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Of Attorneys for the

Alliance of Western Energy Consumers

**ATTACHMENT A**  
**ALLIANCE OF WESTERN ENERGY CONSUMERS**

\*Airgas USA, LLC  
Air Liquide  
Air Products  
\*AkzoNobel  
\*Alcoa  
Ammcor Rigid Plastics  
\*Axiall, Inc.  
Basic American Foods  
\*Boeing  
\*Boise Cascade, LLC  
BYU Idaho  
Columbia Steel  
Cost Management Services  
\*Darigold  
\*Dyno Nobel, Inc.  
\*Emerald Performance Materials, LLC  
Evraz, Inc.  
Freres Lumber Co.  
\*Georgia-Pacific  
Idahoan Foods  
IGI Resources  
Inland Empire Paper Co.  
Intel Corp  
\*International Paper  
\*J.R. Simplot  
Kaiser Aluminum Trentwood Facility  
\*Kapstone Kraft Paper  
\*Lamb Weston  
\*Legacy Health  
\*Linde, Inc.  
Microsoft Corporation  
\*Nippon Dynawave  
\*Norpac Foods  
\*North Pacific Paper Co.  
\*Northwest Hardwoods  
Oregon Health & Sciences University  
Packaging Corporation of America  
PCC Structural  
Pendleton  
\*Ponderay Newsprint  
\*REC Solar Grade Silicon LLC  
\*Schnitzer Steel  
Shell Oil Products US

\*Solvay Chemicals  
Supreme Perlite Co.  
Swanson Group  
Tesoro Refining and Marketing Co.  
Timber Products, Inc.  
United Energy Trading  
United States Gypsum  
\*University of Oregon  
\*Wah Chang  
\*WestRock  
\*Weyerhaeuser NR Co.

*\*Denotes BPA Customers*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day electronically filed the *Petition to Intervene of the Alliance of Western Energy Consumers* via the Secure Website for this proceeding. Pursuant to Section 1010.10(a) of BPA's Rules of Procedure, such filing constitutes service on all Litigants in this proceeding.

Dated at Portland, Oregon, this 11th day of December, 2018.

Respectfully submitted,

/s/ Jesse O. Gorsuch

Jesse O. Gorsuch

Paralegal