

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

**BP-20**

In the Matter of	)	
	)	
BONNEVILLE POWER ADMINISTRATION	)	PETITION TO INTERVENE OF THE
	)	ALLIANCE OF WESTERN ENERGY
2020-2021 Power and Transmission Rate	)	CONSUMERS
<u>Adjustment Proceeding.</u>	)	

Pursuant to Sections 1010.6 and 1010.11 of the Bonneville Power Administration (“BPA”) Rules of Procedure, and Part III of 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 power and/or transmission directly from BPA, while other AWEC members have federally adjudicated interests based on their pass-through power and 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:

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Paralegal for DVC

3. On December 6, 2018, BPA published its Federal Register Notice regarding the FY 2020-2021 Proposed Power and Transmission Rate Adjustments. 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 power and transmission contracts that pass BPA's rates and rate changes directly to the member, and 2) direct service

industries and direct access customers that purchase, or will likely purchase in the future, transmission or power 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. 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 power and transmission from BPA, and these members take service through contracts that pass BPA’s rates and rate changes directly to the AWEC member. The direct and substantial interests of end-use consumers who pay such pass-through rates have been 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, issues of intervention and standing are inextricably intertwined. Therefore, the court has recognized a direct and substantial interest held by AWEC’s members who pay pass-through rates that would meet the “relevant interest” requirement of Section 1010.6(b) for intervention in the current proceeding, which adjudicates proposed changes to BPA’s power and transmission rates. 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 similar 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, pursuant to Section 1010.6(b), AWEC may be granted party status as a matter of right because at least one of its members purchases power and/or transmission products directly from BPA. Thus, many AWEC members are directly affected by

the rates that BPA will consider in this proceeding. 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. The relevant, direct, and substantial interests of AWEC's members are not represented by any other parties in this proceeding, and 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  
Ampcor 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