

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

**BP-22**

In the Matter of	)	
	)	
BONNEVILLE POWER ADMINISTRATION	)	PETITION TO INTERVENE OF THE
	)	ALLIANCE OF WESTERN ENERGY
Fiscal Year 2022-2023 Proposed Power and	)	CONSUMERS
Transmission Rate Adjustments.	)	
_____	)	

Pursuant to Section 1010.6 of the Bonneville Power Administration’s (“BPA”) Rules of Procedure, and Part III of BPA’s December 1, 2020 Federal Register Notice for this proceeding<sup>1/</sup> the Alliance of Western Energy Consumers (“AWEC”) respectfully petitions BPA for an Order granting AWEC full party status in the above-referenced proceeding. According to BPA’s Rules of Procedure, “[e]ntities that directly purchase power or transmission services under Bonneville’s rate schedules, or trade organizations representing those entities, will be granted intervention, based on a petition filed in conformity with this Section 1010.6.”<sup>2/</sup> Other entities “must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the proceeding.”<sup>3/</sup> As set forth below, some AWEC members have in the past, currently, or in the future will likely purchase products directly from BPA. Other AWEC members have federally adjudicated interests based on their pass-through power and transmission contracts. Therefore, as a trade organization representing

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<sup>1/</sup> Fiscal Year (FY) 2022-2023 Proposed Power and Transmission Rate Adjustments Public Hearing and Opportunities for Public Review and Comment, 85 Fed. Reg. 231, at 77193 (Dec. 1, 2020).  
<sup>2/</sup> BPA Rules of Procedure, Section 1010.6(b).  
<sup>3/</sup> Id.

these members, AWEC adequately meets the requirements to be granted full party status in this proceeding.

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  
jdw@dvclaw.com

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 the following:

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3. On December 1, 2020, BPA published the Federal Register Notice regarding the Fiscal Year 2022-2023 Proposed Power and Transmission Rate Adjustments,

designated as Docket No. BP-22 (“BP-22”).<sup>4/</sup> BPA will conduct a formal hearing as part of this public process.

4. AWEC is an incorporated, non-profit association of large energy consumers in the Pacific Northwest, with offices in Portland, Oregon. Since 1981, AWEC and its predecessor trade organization, the Industrial Customers of Northwest Utilities, have been full parties to dozens of BPA rate proceedings. Many members of AWEC are end-use customers of BPA. These members include: 1) members with power and transmission contracts that pass BPA’s rates directly to the member, 2) direct service industries, and 3) Transmission customers.

5. According to BPA’s Rules of Procedure, “[e]ntities that directly purchase power or transmission services under Bonneville’s rate schedules, or trade organizations representing those entities, will be granted intervention, based on a petition filed in conformity with this Section 1010.6.”<sup>5/</sup> As a trade organization representing members that have in the past, currently, or in the future will likely purchase products directly from BPA, AWEC meets the requirements for full party status.

6. In addition, many of AWEC’s members who purchase power and transmission from public agencies that receive all or a majority of their power and transmission from BPA have relevant, direct, and substantial interests in the outcome of this proceeding, such that they have a “relevant interest in the proceeding.”<sup>6/</sup> These AWEC members have federally adjudicated interests based on their power and transmission contracts, which directly pass

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<sup>4/</sup> Fiscal Year (FY) 2022-2023 Proposed Power and Transmission Rate Adjustments Public Hearing and Opportunities for Public Review and Comment, 85 Fed. Reg. 231 (Dec. 1, 2020).

<sup>5/</sup> BPA Rules of Procedure, Section 1010.6(b).

<sup>6/</sup> Id.

changes in BPA’s rates and charges to the end-use members. The U.S. Ninth Circuit Court of Appeals has recognized the interests of end-use consumers who pay pass-through contract rates and ruled that such consumers had standing to litigate settlements that would impact BPA’s rates.<sup>7/</sup> Because this rate proceeding will “establish power, transmission, and ancillary and control area services rates”<sup>8/</sup> for 2022-2023, there will be a direct and substantial impact on the rates paid by AWEC’s members. As a result, AWEC, as a trade organization representing these directly-impacted members, has a direct, substantial, and relevant interest in this proceeding.

7. Therefore, in accordance with the BPA Rules of Procedure, Ninth Circuit precedent, and BPA’s own precedent—most recently the BP-20 and BP-20E rate cases—AWEC requests leave to intervene as a Party to the BP-22 proceeding.<sup>9/</sup> 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. The relevant, direct, and substantial interests of AWEC’s members are not represented by any other potential parties in this proceeding. Further, 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 4<sup>th</sup> day of December, 2020.

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<sup>7/</sup> Ass'n of Pub. Agency Customers v. Bonneville Power Admin., 733 F.3d 939, 950-53 (9th Cir. 2013).

<sup>8/</sup> Fiscal Year (FY) 2022-2023 Proposed Power and Transmission Rate Adjustments Public Hearing and Opportunities for Public Review and Comment, 85 Fed. Reg. 231, at 77189 (Dec. 1, 2020).

<sup>9/</sup> See, e.g., BP-18 Order Granting Interventions (Nov. 25, 2016), file code BP-18-HOO-06; BP-16 Order Granting Interventions (Dec. 16, 2014), file code BP-16-HOO-06; BP-20 Order Granting Interventions (Dec. 13, 2018), file code BP-20-HOO-05; BP-20E Order Granting Interventions (June 25, 2020), file code BP-20E-HOO-03.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Joshua D. Weber

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