

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

**FY 2022-2023 PROPOSED POWER
AND TRANSMISSION RATE
ADJUSTMENTS**

BPA Docket No. BP-22

PETITION TO INTERVENE OF POWEREX CORP.

Pursuant to Sections 1010.6 and 1010.11 of the Bonneville Power Administration's ("BPA") 2018 Rules of Procedure and BPA's December 1, 2020 Notice, 85 Fed. Reg. 77,194, Powerex Corp. ("Powerex") hereby petitions the Hearing Officer for leave to intervene in BPA's 2022-2023 Power and Transmission Rate Case Proceeding in the above-referenced docket. In support of this petition, Powerex respectfully shows the following:

**I.
SERVICE OF DOCUMENTS**

All correspondence and communications in this proceeding should be addressed to the following persons:

Mr. Raj Hundal
Market Policy & Practices Manager
Powerex Corp.
666 Burrard Street, 13th Floor
Vancouver, British Columbia
Canada V6C 2X8
Phone: (604) 891-6063
Fax: (604) 891-7012
raj.hundal@powerex.com

Mr. Tyler S. Johnson
Bracewell LLP
701 Fifth Avenue, Suite 6200
Seattle, WA 98104
Phone: (206) 204-6211
Fax: (800) 404-3970
tyler.johnson@bracewell.com

Mr. Connor Curson
Trade Policy Analyst
Powerex Corp.
666 Burrard Street, 13th Floor
Vancouver, British Columbia
Canada V6C 2X8
Phone: (604) 891-6028
Fax: (604) 891-7012
connor.curson@powerex.com

Ms. Tracey L. Bradley
Energy Regulatory Consultant
Bracewell LLP
2001 M Street, N.W., Suite 900
Washington, D.C. 20036
Phone: (202) 828-5848
Fax: (202) 857-2133
tracey.bradley@bracewell.com

Ms. Carol C. Opatrny
Opatrny Consulting, Inc.
18509 N.E. Cedar Drive
Battle Ground, WA 98604
Phone: (360) 666-8510
Fax: (360) 666-8509
ccopat@e-z.net

II. **NATURE OF PROCEEDING**

BPA has commenced a proceeding pursuant to Section 7(i) of the Northwest Power Act, 16 U.S.C. § 839e(i), to address proposed power and transmission rate adjustments. In the BP-22 rate proceeding, BPA proposes to revise rates for power, transmission, and certain control area and ancillary services for FY 2022-2023. BPA indicates that these rates will become effective on October 1, 2021.

III. **INTEREST OF POWEREX AND PETITION TO INTERVENE**

Powerex is a corporation organized under the *Business Corporations Act* of British Columbia, with its principal place of business at Vancouver, British Columbia, Canada. As the wholly-owned marketing subsidiary of the British Columbia Hydro and Power Authority ("BC Hydro"), a provincial Crown Corporation owned by the Government of British Columbia, Powerex is an instrumentality of a foreign state under

the Foreign Sovereign Immunities Act.¹ Powerex sells power at wholesale in the United States, pursuant to market-based rate authority originally granted by the Federal Energy Regulatory Commission on September 24, 1997.²

Powerex sells power from a portfolio of resources, including the Canadian Entitlement resources made available under the Columbia River Treaty, BC Hydro system resources, and various other power resources acquired from other sellers within the United States and Canada. Powerex is a transmission customer of BPA and takes service under BPA's Open Access Transmission Tariff, contracting with BPA for both firm and non-firm transmission service.

As a large transmission customer of BPA, Powerex has a direct and vital interest in the outcome of this proceeding, and this interest is not represented by any other customer of BPA. Any decision by the Administrator in Docket BP-22 could affect the rates for transmission service that BPA provides to Powerex. Therefore, Powerex respectfully requests that the Hearing Officer grant Powerex leave to intervene as a party to this rate proceeding.

Respectfully submitted,

/s/ Tyler S. Johnson

Tyler S. Johnson

Bracewell LLP

Attorney for Powerex Corp.

December 4, 2020

¹ 28 U.S.C. §§ 1602, *et seq.* (2006 Supp.).

² See *British Columbia Power Exchange Corp.*, 80 FERC ¶ 61,343 (1997); *British Columbia Power Exchange Corp.*, Docket No. ER97-4024-012 (Sept. 12, 2000) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-002 (Oct. 30, 2003) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-007 (July 26, 2007) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-018 (Oct. 29, 2010) (unpublished letter order); *Powerex Corp.*, Docket No. ER10-3297-004 (Aug. 29, 2014) (unpublished letter order); *Powerex Corp.*, Docket No. ER17-704-000 (Jan. 25, 2018) (unpublished letter order).

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing by uploading it to the Bonneville Power Administration's secure website. Pursuant to Section 1010.10(a) of the Rules of Procedure of the Bonneville Power Administration, such filing constitutes service on all Litigants.

Submitted by,

/s/ Tyler S. Johnson
Counsel for Powerex Corp.