

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

**TC-25**

In the Matter of	)	
	)	
BONNEVILLE POWER ADMINISTRATION	)	PETITION TO INTERVENE OF THE
	)	ALLIANCE OF WESTERN ENERGY
Proposed Modifications to Open Access	)	CONSUMERS
Transmission Tariff.	)	
_____	)	

Pursuant to Section 1010.6 of the Bonneville Power Administration (“BPA”) Rules of Procedure, and Part III of BPA’s November 7, 2023 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 this proceeding. According to BPA’s Rules of Procedure, “[e]ntities that directly purchase...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 transmission products directly from BPA. Other AWEC members have federally adjudicated interests based on their pass-through transmission contracts with entities that purchase transmission products from BPA. Therefore, as a trade

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<sup>1</sup> Proposed Modifications to Open Access Transmission Tariff; Public Hearing and Opportunities for Public Review and Comment, 88 Fed. Reg. 214, at 76744 (Nov. 7, 2023).  
<sup>2</sup> BPA Rules of Procedure, Section 1010.6(b).  
<sup>3</sup> *Id.*

organization representing 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  
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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 November 7, 2023, BPA published a Federal Register Notice regarding the upcoming proceeding to “modify the non-rate terms and conditions for

transmission and interconnection services in the Tariff,” designated as Docket No. TC-25 (“TC-25”).<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, Industrial Customers of Northwest Utilities, have been full parties to dozens of BPA Rate and Tariff proceedings including, recently, TC-24. Many members of AWEC are end-use customers of BPA. These members include: 1) members with transmission contracts that pass the impact of BPA’s terms and conditions directly to the member, 2) members with power contracts that pass the impacts of BPA’s terms and conditions directly to the member as part of a BPA preference product, and 3) direct access customers that currently purchase, or will likely purchase in the future, transmission products directly from BPA.

5. According to BPA’s Rules of Procedure, “[e]ntities that directly purchase...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 transmission products directly from BPA, AWEC meets the requirements for full party status.

6. In addition, many of AWEC’s members, who purchase transmission service from public agencies that receive all or a majority of their transmission service from

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<sup>4</sup> Proposed Modifications to Open Access Transmission Tariff; Public Hearing and Opportunities for Public Review and Comment, 88 Fed. Reg. 214, at 76744 (Nov. 7, 2023).

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

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 or transmission contracts, which directly pass changes in BPA’s terms and conditions 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> 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. Moreover, some AWEC members may be interested in resource development within the Region in the future. Because TC-25 will “modify the non-rate terms and conditions for transmission and interconnection services in the Tariff,”<sup>8</sup> there will be a direct and substantial impact on the service contracts held by AWEC’s members and implications for future resource development. 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 TC-24 Terms and Conditions Tariff Proceeding—AWEC requests leave to intervene as a party to the TC-25 proceeding.<sup>9</sup> AWEC’s intervention in this proceeding will assist BPA in resolving the issues in this proceeding and will

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<sup>6</sup> *Id.*

<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> Proposed Modifications to Open Access Transmission Tariff; Public Hearing and Opportunities for Public Review and Comment, 88 Fed. Reg. 214, at 76744 (Nov. 7, 2023).

<sup>9</sup> TC-24 Order Granting Interventions (Dec. 13, 2022), file code TC-24-HOO-03.

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 14th day of November, 2023.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Sommer J. Moser

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