

PublicPowerCouncil
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January16,2001

VIAELECTRONICFILING

DavidP.Boergers,Secretary
FederalEnergyRegulatoryCommission
888FirstStreet,N.E.
Washington,D.C.20426

RE: U.S.DepartmentofEnergy–FederalEnergyRegulatoryCommission
FERCDocketNo.RT01-35-000

DearMr.Boergers:

Attachedforelectronicfilingintheabovecaptionedproceedingisthe
ProtestofthePublicPowerCounciltotheDecember1,2000,Concurring
Utilities’ AmendedSupplementalComplianceFilingandRequestforDeclaratory
OrderPursuanttoOrder2000.

Ifyouhaveanyquestions,pleasecallmeat(503)232-2427.Thankyoufor
yourassistanceinthismatter.

Sincerely,

/s/KyleD.Sciuchetti

KyleD.Sciuchetti
AttorneyforthePublicPowerCouncil

cc:service

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Avista Corporation,)	Docket No. RT01-35-000
Bonneville Power Administration,)	
Idaho Power Company,)	
Montana Power Company)	
Nevada Power Company,)	
PacifiCorp,)	
Portland General Electric Company,)	
Puget Sound Energy, Inc.,)	
Sierra Pacific Power Company.)	

PROTEST OF THE PUBLIC POWER COUNCIL

The Public Power Council (PPC) submits this Protest in the above referenced proceeding pursuant to the Federal Energy Regulatory Commission's (Commission's) Notice of Filing dated December 15, 2000, 65 Fed. Reg. 80,423 (2000) and in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211.

I. BACKGROUND

PPC filed its Motion for Leave to Intervene in this docket on November 20, 2000, in response to the Alternative Filing Pursuant to Order 2000 and the Supplemental Compliance Filing and Request for Declaratory Order Pursuant to Order 2000 filed by Avista Corporation, Bonneville Power Administration, Idaho Power Company, The Montana Power Company, Nevada Power Company,

PacifiCorp, Portland General Electric, Puget Sound Energy, Inc. and Sierra Pacific Power Company.

II. PROTEST

This Protest is submitted in response to the Concurring Utilities' Amended Supplemental Compliance Filing and Request for Declaratory Order, filed with the Commission on December 1, 2000.

REQUEST FOR COMMISSION GUIDANCE

The Concurring Utilities request that the Commission provide preliminary guidance with regard to the Form of Transmission Operating Agreement and Form Agreement to Suspend Provisions of Pre-Existing Transmission Agreements. The Concurring Utilities admit that the documents are non-binding and are subject to modification in Stage 2 of the RTO development process. Concurring Utilities' Amended Supplemental Compliance Filing and Request for Declaratory Order Pursuant to Order 2000 at 23. It would be premature and inefficient for the Commission to provide guidance on documents that will most certainly be amended and revised in the coming months. Furthermore, because many of the exhibits used to implement the Transmission Operating Agreement await development and modification in Stage 2 of the RTO development process, it is inadvisable for the Commission to give approval or direction to an incomplete document when any such guidance may be misconstrued by any or all participants in Stage 2, to the disadvantage of all.

EXPORT CHARGES

The Concurring Utilities have decided not to include, in the pricing proposal, provisions for RTOWest to impose export charges. The imposition of export fees in some circumstances may have the beneficial effect of alleviating cost shifts. It is inappropriate for the Concurring Utilities to exclude categorically consideration of a tool that may be useful in addressing legitimate concerns surrounding RTOWest's development. It is premature to make such a decision in advance of discussion and consideration in Stage 2.

FINALITY

In PPC's Motion for Leave to Intervene and Protest of the Public Power Council, filed November 20, 2000, PPC argued that the regional process should continue throughout the Stage 2 filing and that the "Commission should withhold an expedited declaratory order pending receipt of such additional material". *Id.* at

5. As Stage 2 of RTOWest's development continues, the Commission should avoid providing guidance or approval of any document not yet fully developed or finalized. The Commission should await final resolution of all issues among the participants before making any ruling on RTOWest. By doing so, the Commission avoids the unnecessary, and potentially harmful, mistake of prematurely addressing ever-changing documents, concepts and proposals.

III. CONCLUSION

For the reasons set forth above, PPC requests that the Commission consider PPC's Protest and 1) not provide guidance on the submitted documents still under

construction,2)notprematurelylimitorprecludetheparticipants'consideration
ofexportchargesbeforeStage2ofRTOWest'sdevelopmentprocess,and3)
withholdanycomment,approvalorguidanceonRTOWestuntilaftertheStage2
filingwhenacomplete,finalandfullydevelopedproposalmaybeoffered.

Datedthis16thdayofJanuary2000.

/s/KyleD.Sciuchetti

KyleD.Sciuchetti
PublicPowerCouncil
1500NEIrving,Suite200
Portland,Oregon97232

AttorneyforPublicPowerCouncil

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Portland, Oregon this 16th day of January 2000.

/s/Kyle D. Sciuchetti

Kyle D. Sciuchetti
Senior Counsel
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