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OFFICE OF THE SECRETARY

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

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- Avista Corporation)
- 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)

Docket No. RT01-35-000

**MOTION TO INTERVENE AND PROTEST OF
THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA**

The Transmission Agency of Northern California ("TANC"), by and through counsel, Wallace L. Duncan, James D. Pembroke, Michael Postar and Lisa S. Gast, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington, DC 20036, files this Motion to Intervene and Protest ("Motion") in the above-captioned proceeding, and, in support, TANC states as follows:

I. PRELIMINARY STATEMENT

1. This Motion is filed pursuant to Sections 205 and 206 of the Federal Power Act ("FPA"), 16 U.S.C. §§ 824d, and 824e (1994), to Rules 211, 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. §§ 385.211, 385.212 and 385.214 (2000), and the Commission's October 24, 2000 Notice of Filing establishing November 20, 2000 as the date by which motions to intervene and protests are to be filed in this proceeding.

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2. The persons to whom correspondence, pleadings and other papers with regard to this proceeding should be addressed and the persons whose names are to be placed on the Commission's official service list are designated as follows in accordance with Rule 203, 18 C.F.R. § 385.203 (2000):

James H. Pope, Chairman
 Maury A. Kruth, Executive Director
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II. DESCRIPTION OF THE PARTIES

3. TANC is a joint exercise of powers agency organized and existing under the laws of the State of California and is a "municipality" as defined in Section 3(7) of the FPA, 16 U.S.C. § 796(7) (1994). Among TANC's purposes is the provision of electric transmission facilities and services for the use of its Members.¹⁷ TANC is a Participant in, and the Project Manager of, the California-Oregon Transmission Project

¹⁷ TANC's Members are the California Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah; the Sacramento Municipal Utility District; the Modesto Irrigation District; and the Turlock Irrigation District. The Plumas-Sierra Rural Electric Cooperative is an associate member of TANC.

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("COTP"), which is a 500 kV transmission project extending from the California-Oregon border to near Pacific Gas and Electric Company's ("PG&E") Tesla Substation in central California. TANC also has an allocation of 300 MW of firm bidirectional service over PG&E's transmission system between PG&E's Tesla and Midway Substations pursuant to the South of Tesla Principles ("SOTP").^{2/} TANC's SOTP Entitlement is allocated among certain Members of TANC.

4. Avista Corporation, Idaho Power Company, Montana Power Company, Nevada Power Company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc., and Sierra Pacific Power Company (with the Bonneville Power Administration ("BPA"), collectively "Applicants") are each corporations which own and operate facilities for the generation, transmission, purchase and sale of electric power and energy in interstate commerce and each is a "public utility" as that term is defined in Section 201 of the FPA, 16 U.S.C. § 824(e) (1994), and is subject to the jurisdiction of this Commission. BPA is a power marketing administration of the United States Department of Energy and is not subject to the jurisdiction of the Commission under Part II of the FPA.

III. BACKGROUND

5. On October 23, 2000, the Applicants filed a "Supplemental Compliance Filing and Request for Declaratory Order Pursuant to Order 2000" wherein the Applicants submit their proposal to form a regional transmission organization ("RTO") to be known as "RTO West." RTO West proposes to operate as an RTO in all or a portion of the states of Washington, Oregon, Idaho, Montana, Nevada and California.

^{2/} PG&E FERC Rate Schedule No. 143.

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The Applicants' submittal seeks a declaratory order respecting certain aspects of its filing.²

6. On October 24, 2000, the Commission issued its Notice of Filing in the above-captioned Docket, establishing November 20, 2000, as the date on which motions to intervene and protests are due. TANC's Motion is timely filed in accordance with that Notice.

IV. INTERESTS OF TANC AND BASIS FOR MOTION TO INTERVENE

7. TANC has a 79% interest in the COTP, the third high voltage link between California and the Pacific Northwest, which became operational on March 17, 1993. TANC is the Project Manager of the COTP and coordinates its use of the COTP both among its Members and with other COTP Participants under various agreements. The COTP is interconnected with facilities already turned over to the operational control of the California Independent System Operator Corporation ("ISO"), and also shares an interface at the California-Oregon Border ("COB") with facilities which may be turned over to the operational control of RTO West. Additionally, TANC may purchase and/or sell power in the geographic regions encompassed by RTO West and engage in transactions with the members of RTO West. Thus, TANC has a compelling interest in the operations, procedures and protocols of RTO West.

8. For these reasons, TANC claims an interest in this proceeding and a right to intervene to protect its interests as they may appear. TANC's participation in this case is necessary and appropriate to the administration of the FPA and will be in the public interest. TANC's interests may be affected by this proceeding and will not be adequately

² See Applicants' Submittal at 1-10.

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represented by any party. TANC, therefore, requests the Commission to grant its Motion to Intervene and make TANC a party to this proceeding.

V. PROTEST

9. TANC commends the Applicants on the filing of the RTO West proposal, which reflects broad cooperation among its members. However, substantial amounts of effort remain to be undertaken respecting RTO West. The Applicants intend to make a Stage 2 filing which will include, among other things, a proposed RTO West Tariff (with schedules and exhibits), associated forms of the Generation and Load Integration Agreements, proposed schedules of transfer charges, and allocation of transmission rights needed to implement the RTO West pricing and congestion management proposals.⁴

10. TANC urges the Commission, in any action it may take on the instant request for declaratory order, to withhold final approval of the RTO West concept and rule only on a preliminary and non-final basis on the narrow scope of the request for declaratory order. The Commission should make it clear that all interested parties will have a full opportunity to comment on and, if appropriate, protest the RTO West proposal once it is flushed out and filed in final form. Since many significant aspects of the RTO West proposal have not yet been negotiated or developed, the final form and scope of RTO West, and the rights of entities which are not members of RTO West⁵ to interact with RTO West, are obviously not yet known. While the Applicants would most certainly benefit from Commission guidance respecting both their request for declaratory order and

⁴ See *id.* at 6.

⁵ TANC is not a member under the current configuration of RTO West.

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their RTO West proposal, final Commission action should be deferred pending the filing of the remaining portions of the RTO West proposal.

VI. RESERVATION OF RIGHTS

11. TANC reserves the right to posit and address any additional issues which TANC or others may identify or raise herein which are developed before or after discovery, after RTO West makes a supplemental filing, or during the course of any hearing which may be conducted in this proceeding.

VII. CONCLUSION

WHEREFORE, for the foregoing reasons, TANC respectfully requests that the Commission grant the following relief:

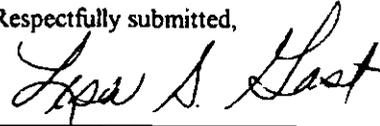
1. Grant TANC's Motion to Intervene and order that TANC be allowed to participate fully as a party to these proceedings;
2. Withhold final Commission action on the RTO West proposal pending completion and filing of the remaining portions of the proposal; and

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3. Grant such other relief as the Commission may deem necessary and appropriate.

Dated: November 20, 2000

Respectfully submitted,



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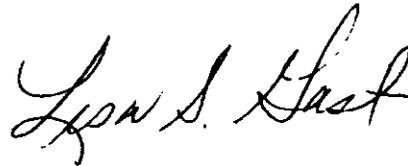
Special Counsel for

Transmission Agency of

Northern California

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 by U.S. Mail. Dated at Washington, D.C., this 20th day of November, 2000.



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