

July 29, 2025

*Via email*

U.S. Department of Energy  
Bonneville Power Administration  
techforum@bpa.gov

**RE: Request for Additional Time and Process to Consider, Discuss, Analyze BPA's  
Transmission Business Practice Changes; Agenda Change Request for 7/29-30  
meetings.**

The Pacific Northwest Renewable Interconnection & Transmission Customer Advocates ("PRITCA") provide the following comments on the BPA's working draft of proposed changes to its Transmission Business Practices within the Grid Access Transformation ("GAT") effort.

**Overview**

BPA proposes huge changes to established practices within the region. Regional stakeholders have had almost no time to consider BPA's proposal, to discuss it internally and with other stakeholders, much less to measure and consider harms, unintended consequences, and legal implications. PRITCA therefore has the following concerns:

- *A more deliberative process is needed:* BPA published its GAT proposals on July 25, 2025, giving interested stakeholders only two business days to review the proposals before the July 29 and 30 workshops. Yet BPA's proposal will have decade-or-longer consequences on both forward- and backward-looking basis, through an abbreviated (and likely inappropriate) process fundamentally inconsistent with the nature and complexity of the changes. BPA proposes to restructure the core rights and principles of current, past, and future transmission customers—across myriad user types—LSEs and IPPs; public and non-public; large and small; power traders and power developers; big munis and small coops; all requirements and partial requirements; mega loads and incremental loads. There appears to be no real analysis or consideration of how and whether (or, likely, *how much*) unintentional harms may arise

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from the proposals, and little rigorous analysis of whether the proposals will be effective in achieving their intended outcomes. The highly compressed process proposed by BPA is far too attenuated to adequately address all the concerns its proposal may raise.

- *BPA's proposals undermine open access to the regional transmission system:* BPA's proposals are inconsistent with the basic principles of open access transmission because they are predicated on Bonneville's Transmission Function asserting commercial judgements on what comprises legitimate use of the transmission system, in a way that flies in the face of decades of established practices, proven outcomes, and a diversity of parties who have relied on their ability to trust BPA as a safe venue for neutral transmission service for the conducting of current and future power supply transactions for the region.

Given BPA Transmission's ("BPA-T") firewalling from BPA-Power (and own repeated recognition in the TC-25 process of how little it does understand various commercial uses of its system, such as RFPs and project finance requirements for new generators), it is at best questionable for BPA's non-merchant function to assert so much judgment and, implicitly, expertise about what *is* and *is not* a legitimate commercial venture on the transmission system.

- *BPA's proposal may undermine service to its core customers and endanger regional decarbonization goals:* PRITCA is not aware of any BPA process to discuss or analyze the potential consequences for its proposals for the dozens of ICs and TCs that will feel the impacts of BPA's proposals. Nor has there been any analysis of whether BPA's proposals might fundamentally undermine the investment in BPA transmission expansion and in new power regional power supply. For such investment to occur, the BPA access to the BPA transmission system must be non-discriminatory, predictable, and stable. PRITCA fears that the BPA proposals will be the opposite of these requirements, and therefore will undermine the financability and investability of new IPP power supply. PRITCA is therefore concerned that BPA's proposals may impede the ability of the Pacific Northwest states to meet their statutory clean energy requirements and load growth needs, thereby undermining the public interest as defined by the elected representatives of those states.

PRITCA is also concerned about the consequences of BPA's proposals for public preference customers. The proposals undermined the rights of such customers to pursue or hold certain transmission projects, which may undermine the ability of numerous public power customers to seek PTP service themselves and/or secure new power from non-BPA sources. This is a particularly important consideration for preference customers given the improbability of BPA-Power successfully and/or timely meeting the new generation supply needs of the region and its customers. This makes IPP generation development, and the stable transmission and investment platform necessary for IPP development, all the more

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important for public power. The implications of BPA’s ability to adequately serve those public power customers needs, and to meet its statutory obligations to those customers, therefore must be fully analyzed. *If BPA-Power doesn’t meet the COUs need for more power supply, where will it come from? How will it be financed? If the terms of PTP transmission at no longer secure and rollover rights cannot be relied upon, how will power be delivered to COUs in the future?*

- *BPA’s future state is undefined:* BPA noted that these proposed business practices would be to implement near-term changes to get the region “off pause” and to transition to a future state under a different, yet-to-be-defined transmission study and expansion process. Having not yet defined what the future state will be, it is hard to know if this transitional approach will help get us there. Further, many of the proposed reforms appear more targeted at what BPA envisions as the future state rather than targeted at how to meet the needs of customers who entered the queue under the current paradigm.
- *BPA’s proposals are discriminatory:* PRITCA believes that many of the BPA proposals, such as requiring oppressively large deposits, will bias transmission system usage in favor of large new mega-loads, like data centers, tied to large balance sheet developers. The proposal relies in significant part on BPA-T’s speculations about which IPPs and loads are “real,” which may ultimately hinder LSEs seeking to serve their own existing or growing loads.

In short, the current process, and scale and scope and pace of change, is fundamentally inconsistent with BPA’s statutory and other obligations to its many diverse stakeholders. A systematic breakout and analysis of the issues raised by the proposal, and a robust opportunity for stakeholders to understand each other’s issues, as well as present their concerns (and alternatives) to BPA and each other, is thus critical.

## About Us

PRITCA comprises more than 100 BPA Interconnection Customers (“ICs”) and Transmission Customers (“TCs”) representing a disproportionate share of BPA’s affected IC and TC stakeholders. PRITCA members also do business with a wide range of LSEs (investor and consumer owned) operating on the BPA system, and with power marketers, off-takers, and other transmission and interconnection customers. Collectively, PRITCA comprise more than 25% of the entire current BPA interconnection queue, over 40% of the Transition Cluster Queue, a material portion of multiple parts (and the whole) of BPA’s transmission service requests and long-term firm pending queue (“LTFPQ”), and a large portion of the most viable generation development in the region. PRITCA members are signatories to hundreds of BPA interconnection and transmission service study agreements and have participated in hundreds of BPA scoping and study report meetings involving wind, solar, geothermal, battery storage and pumped storage

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projects ranging in size from 20 to 600 MW. PRITCA also includes BPA Transmission Customers with thousands of MW of confirmed long-term firm (“LTF PTP”) transmission rights on the BPA network and intertie transmission systems, and thousands of MW more of transmission requests for future long-term firm service. Collectively, PRITCA’s members and affiliates have funded tens of millions of dollars of BPA environmental studies (“ESAs”), preliminary engineering agreements (“PEAs”), engineering and procurement (“E&Ps”) of network upgrades and interconnection facilities, deposits for Large Generation Interconnection Agreements (“LGIAs”), and other study agreements. PRITCA members have successfully developed hundreds of megawatts of generation that are provided to both public power and IOU loads, investing hundreds of millions of dollars to construct the region’s current and future power supply. Affiliates of PRITCA members have funded and constructed thousands of MW and billions of dollars of operating facilities throughout the country.

All of the investments made in the Pacific Northwest have been made based on the belief in, and reliance on, BPA’s stability as a service provider, on BPA’s adherence to open access transmission obligations, and on the belief that BPA would not just yank rugs from under the whole process, re-writing rules upon which those investments relied..

### **Request for Additional Time to Comment**

BPA has proposed changes to its processing of transmission requests within its GAT process that in many respects fundamentally change the expectations for Transmission Customers that long ago submitted Transmission Service Requests (“TSRs”) to BPA, and that have since been moving through the process in good faith, paying substantial amounts to BPA for study agreements and other requirements arising in the BPA Transmission Study and Expansion Process (“TSEP”), while investing millions of dollars in obtaining the necessary requirements under the current process to piece together a viable project. BPA’s proposals fundamentally change the requirements for transmission service after those TSRs had already been submitted in compliance with the rules. For example, BPA is now proposing that Customers provide “evidence of transaction maturity” for bi-lateral transactions as part of that data validation process in order to even submit a TSR.

Hence, BPA’s proposed changes fundamentally alter the assumptions upon which Customers relied when filing their TSRs. The changes therefore threaten to destroy many millions of dollars that have already been invested in reliance on a predictable and stable platform for obtaining transmission service on the BPA system, threatening future investment in the region’s electric system. These investments are critical. The Edison Electric Institute recently issued a report estimating that \$1.1 trillion must be invested by IOUs by 2029 to meet rising electricity demand.

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Given the importance of these issues, we respectfully request that EPA: (1) allow time for meaningful review of the working business practice draft, time for discussion amongst stakeholders, and a future workshop opportunity after that review and discussion period; (2) at least an additional three months to analyze and comment on BPA's proposed changes; (3) include the proposed changes to the Conditional Firm Service Business Practice in the GAT process; and, (4) follow the rule of reason requirements in limiting Business Practices to measures that complement BPA's OATT by, for example, detailing the specific kinds of documents that would satisfy Site Control requirements, but exclude measures that should be included in the OATT itself.

We note that BPA posted its proposed GATS language on July 25, 2025, allowing only two business days for stakeholders to review, analyze, and prepare comments on this complex proposal at a time when many experts are likely unavailable because the proposal was posted during the height of summer vacation season. Similarly, the Condition Firm Service Business Practice was released on July 14, 2025, and comments were required to be filed on July 17, allowing only three business days for regional stakeholders to review, analyze, and prepare comments. Given the scale and complexity of the issues at hand, additional time to carefully consider the consequences of the proposed GAT language, and any potential unintended consequences, is necessary so that the proposal can be fully vetted. A few extra months to ensure careful consideration will not be a meaningful impact overall. What will have a meaningful impact is if BPA rushes into a change that further destabilizes the industry, creates discriminatory outcomes, and undermines investment in transmission infrastructure and decarbonization for the region.

BPA should not be ramming through such consequential changes while much of the region is on vacation, buried in other BPA processes and comment deadlines, and otherwise functionally incapable providing the careful analysis required for a proposal of this magnitude, which requires discussion among stakeholders, with legal counsel and other technical experts, and with transactional transaction counterparties (like PPA bidders and trading desks), and with regulators.

We also note that BPA's current approach places it on thin ice legally. Changing the rules on customers who have been proceeding through the transmission study process in good faith violates the rule against retroactive ratemaking. Further, as noted in our previous comments, many of the changes proposed by BPA violate the rule of reason governing what should be included in tariffs rather than business practices. Major changes should be considered in full Section 7(i) process that is subject to BPA's Rules of Procedure, which allow for formal legal notice (not just notice to those who happen to view BPA's Business Practices website), the opportunity for interested parties to submit written and oral views, data, questions, and arguments, and a formal Record of Decision by the Administrator. The proposed Business

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Practices raised issues of sufficient importance that they should be fully vetted in the 7(i) process.

**Comments on specific reform proposals.**

**1. BPA's Application of Commercial Readiness to LTF PTP Transmission Service and Open Access is Inherently Flawed, Inherently Discriminatory and Asserts Commercial Judgments by a Transmission Provider about legitimate uses of the transmission system.**

BPA's approach, as discussed above, inherently inserts judgments about which type of requesting party, which type of business model, which class of company, and which type of load, and which type(s) of commercial transactions are legitimate, even permissible. There is not a record to support these conclusions. Nor is there any demonstration of how these conclusions can be squared with BPA's statutory obligations.

**2. BPA's Proposed Approaches Likely Ensure Structurally Inefficient Use of the Transmission System.**

Numerous elements of BPA's approach limit and/or discriminate on many common and inherently more efficient uses of the system, including the ability of parties to request service *where they want to go to and from on the BPA system*. By arbitrarily limiting *from where and to where* a party may request service – including binding services requests to limited points and/or generators under development (which may fail or be delayed) – BPA actually discourages the most broadly beneficial types of transmission service: TSRs with a high degree of *redirectability*. BPA policies would prohibit, limit, or otherwise discriminate against PTP requests at major system points where a requestor does not have a generator under development, even if that point might benefit multiple generators, existing and prospective, on the system in that vicinity, including as a result of redirected transmission service. Securing “useful paths” on the BPA (or any) transmission system is something many sophisticated users do routinely, but which core practice BPA's proposals functionally not only fail to recognize, but impede.

For example, there are thousands of MW of wind, solar, and storage being developed at or the Buckley substation, a key Evolving Grid project. Multiple independent customers are developing near there, of various sizes and schedules. BPA proposes policies which force LGIRs and TSRs to bind to specific LGIR GIs and POIs, all of which could likely be easily served from a Buckley POR, with redirects, perhaps even allowing a nearby wind and solar projects to use the *same* confirmed PTP service. BPA would force different and redundant TSRs, create risk for each LGIRs (including POI modification), and put confirmed (or surviving) TSRs at risk of revocation if one developer's project got LTF but no GI outcome (or 10-15 year delay), thus

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compounding risks service to any party at the Buckley POR. Many variations on these problems exist.

**3. BPA's Proposals Lack Evidence of Remediating the Purported Issues While Misassigning Fault to TCs and ICs, In Contrast to the Actual Primary/Only Non-Performing Party: BPA.**

There is no record to support BPA's proposals, or its apparent determination that "speculative" projects are impeding transmission access. The record of the past TSEP processes is one in which TCs have *performed* based on the rules, tariff, and business practices in effect at the time. The entirety of the long-term firm pending queue, including prior TSEP participants, and TSRs submitted after the BPA 8/2022 cut-off date, is one of *transmission CUSTOMERS performing their obligations*: They submitted deposits, signed study agreements, funded engineering PEAs and ESAs, etc. They have waited for service.

The party failing is BPA Transmission.

BPA's proposed changes assert harm on those complying with BPA's policies without taking responsibility or making changes directed at the non-performing party. BPA inability to perform should not result in undermining the rights of TCs and ICs that are faithfully performing their obligations to obtain transmission service. This is the opposite of both the record shows and what fairness requires.

Further, this approach will undermine future investment from non-BPA and non-public power sources to support regional transmission expansion.

BPA ignores, at the peril of the region, the harms its proposal may inflict on these customers, who are BPA's *most faithful counterparties*, who have entered the BPA queue assuming stable rules, who funded tens of millions of dollars to study and seek needed expansion, and waited, often for years, for the established rules to reward their investments with the promised, and duly-requested, transmission service.

**4. BPA's Proposals Discriminate Against Current Performing Parties in Favor of Junior Requests and Those That Opted Out of Prior TSEP Processes, and Against Those Who Correctly Anticipated Future Transmission System Needs**

BPA's proposals favor interest who did not seek transmission service or invest in the region in the past, and those that started the interconnection process but dropped out. It disfavors those parties in prior TSEPs who funded ESAs and PEAs in good faith and are still in the queue.

BPA now proposes policies harming those parties that performed—by re-writing the entire construct of legitimate uses of the transmission system. For example, BPA's proposed commercial readiness requirements would *favor those who*



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- did not request transmission service in the past, despite abundant opportunities;
- did request service in prior TSEPs, but declined to provide BPA PEA deposits required by the applicable policies at the time of prior TSEP studies or otherwise failed to fund required studies;
- did not anticipate the needs of the region;
- did not timely act to pursue needs based on policies at the time, whether due to lack of expertise, awareness, market knowledge, supporting development assets, or lack of commercial plans;
- failed to plan or foresee other needs.

None of those reasons justify BPA now proposing to *favor* those that did not participate (or failed to fund) in prior opportunities *against* those who did – much less create harm against those who did follow its policies.

BPA and the region must consider the incredible harm it would create to existing investing customers -- and bad signals it will irrevocably send to all future investment.

Should BPA's message be:

- (1) Any investment that relies on BPA's transmission expansion policy is at risk because rules could change and BPA could revoke the TSR, and all associate rights, despite compliance with tariff and rules that were in place at the time a TSR was submitted?
- (2) That LTF PTP requests are never safe, even if you have to wait 10 years for proposed service?
- (3) That it best to wait and *not* fund into BPA, and instead lobby BPA for rule changes that undermine competition, in hope of more favorable rules that work against senior competitors?
- (4) If BPA proposes to change the rules, the changes may be adopted with minimal process even if the rule changes threaten customers who have had TSRs in the queue for years transmission?

**5. BPA's Proposals to Benefit NITS Service are Speculative and Suffer The Same Risk to COUs (and other LSEs) of Future Retroactive Changes Undermining Business Plans and Load Service Obligations.**

The risks created by BPA's changes to rules aimed at arbitrarily ejecting customers from the transmission queue threaten not just IPPs, but also LSEs, especially the COUs who depend heavily on IPPs for future power supplies. Once BPA establishes here in this process that any TCs can have their rights and seniority yanked – and that BPA is the sole arbiter of worthiness of a load – and that seniority in request lines can be forcibly yielded to junior positions, the Pandora's Box is opened.



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COUs (and other LSEs) should consider carefully which of the other COUs should be able to occasionally jump the queue—or remove some or all senior requests—and under what conditions—and what happens if loads (specifically or generally) change—and how and when customers will know if and how BPA might reassess and eliminate long-standing requests for transmission service.

Or what happens if BPA doesn't provide a path with enough power for you as a public power LSE. Should each COU have a (safe? Investable?) PTP path as an alternative to BPA NITS and BPA-Power failures to provide sufficient resources for your needs.

Notably, the best important counter-remedies to insufficiencies of future BPA-Power and BPA Transmission service being provided to COUs reliant on BPA are: (1) *requesting your own PTP LTF services*; (2) *relying on market IPP and traders' access to, and investment in PTP LTF and generation development (which requires LTF PTP)*.

#### **6. BPA's Proposals Appear Charted at a Pre-Ordained but Unrevealed Conclusion – On Specific Policies and Overall Approaches**

The combination of pace, volume, BPA work product, and timing (including slides, workshops, draft business practices) create good cause to believe BPA has already decided that it will and will not do certain things, without process, evidence, and proper analysis.

#### **7. Biases Towards Large Balance Sheet Loads and Developers Likely to Result in Harm to Region, Costs, and Small LSEs & IPPs**

An obvious risk of BPA's proposal to require huge deposits to advance in the transmission queue is that smaller players, including many COUs, will be ejected from the queue in favor of a few large-balance-sheet mega-loads, like data centers, served by a few large-balance-sheet IPPs. Hence, BPA's proposal could easily crowd out COUs' requests for their own transmission service, whether for NITS or PTP service. This is the result of BPA's apparent assumption that only TCs or ICs who can make multi-million dollar deposits are the only "real" and meritworthy transmission requests.

FOR EXAMPLE: If Mega-Tech's thousands of MW of data center loads have a contract with Mega-IPP that are able to satisfy BPA's enormous deposit requirements, then many thousands of MW of LTF PTP requests will survive, even if those LGIRs are tied to POIs that may not be buildable for 5, 10, 15 years (a realistic assumption given BPA interconnection timelines and/or known results from the 2022/23/24 TSEP report showing a mix of 10- and 20-year transmission builds). In that case, all the NITS and PTP requests *behind* those Mega-IPP requests are *still* junior. And BPA's model may still not solve, as there will still be many GWs in TSR queue, even after gutting competitors with smaller balance sheets.

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*How will BPA (and COUs) protect themselves against that?*

At a minimum, BPA has not provided any evidence of having carefully considered these potential consequences. And it has seemingly presupposed certain types of solutions, like queue clearing and commercial readiness, among other specifics, are the ultimate “solution,” even though there is little hope these proposals can be implemented in a non-discriminatory, fair, transparent, and statutorily compliant manner.

**In short, basic questions remain:** How do you know BPA’s path proposal here will (a) fix anything; (b) not make things worse; (c) not spend months and years to end up in a substantially identical or worse place, but with lost time and options; (d) not slow progress on existing investments and projects and TSRs needed by the market; (e) not harm overall supply investment to the region; (f) not undermine IPP/TC cost share for transmission expansion; and/or (g) not ultimately end up discriminating against you (and/or perhaps against the generator and power supplier solutions you’d prefer where maximally available)?

## **Conclusion**

PRITCA urges BPA to suspend the current schedule for adoption of its proposed business practices, extend the period for comment on those proposed practices, and remove elements from the business practices proposals that properly should be included in BPA’s OATT.

In the meantime, we recommend that BPA:

- **begin working through studying the existing TSRs submitted after the August 2022 cut-off date**, which should consider Evolving Grid projects already announced, and should result in offers of transmission service;
- **consider which issues should be subject to a 7(i) process** and initiate that process promptly;
- **propose and implement a robust set of workshops and customer-led presentations;**
- **restructure the proposed agenda and process, beginning with the July 29, 2025 workshop, to ensure adequate time is provided to fully vet BPA’s proposals;**
- **define and examine key scenarios, like whether BPA changes actually reliably result in claimed or perceived benefits.** For the reasons discussed above, we have serious doubts that the proposals will achieve their intended results and avoid unnecessary harm to the region.

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Sincerely yours,



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