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Via email

U.S. Department of Energy
Bonneville Power Administration
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RE: Comments on Proposed Changes to Transmission Business Practice on Large Generator Interconnection

NewSun Energy Transmission Company LLC (“NewSun”), and the Pacific Northwest Renewable Interconnection & Transmission Customer Advocates (“PRITCA,” together the “Commenting Parties”) provide the following comments on the BPA’s proposed changes to its Transmission Business Practices on the Transition Process.

About Us

The Commenting Parties together represent more than 100 BPA Interconnection Customers. Collectively, the Commenting Parties comprise more than a quarter of the current BPA interconnection queue. The Commenting Parties are signatories to well over 100 study agreements, and have participated in hundreds of BPA scoping and study report meetings involving wind, solar, geothermal, battery storage and pumped storage projects ranging in size from 20 to 600 MW. The Commenting Parties also include BPA Transmission Customers with thousands of MW of confirmed long-term firm transmission rights on the BPA transmission system and many thousands of MW more of transmission requests for future long-term firm service. Collectively, the Commenting Parties have provided tens of millions of dollars to BPA over the past ten years for environmental studies, engineering and procurement of network upgrades, deposits for Large Generation Interconnection Agreements (“LGIAs”), and other study agreements. The Commenting Parties’ members have successfully developed hundreds of megawatts of generation that are provided to both public power and IOU loads.

Comments

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- 1. 15 days is not enough time to determine whether to withdraw or proceed after BPA provides notice of whether it has accepted a modification request.*

BPA should not reduce the amount of time an Interconnection Customer has to decide whether to move forward on a modification from 30 days to 15 days. Two weeks to analyze such a decision is insufficient, particularly given the complexity of the financial and commercial considerations involved. Given that project modifications are typically tied to financing, coordination with multiple stakeholders—including lenders, investors, and legal teams—is likely to take longer than two weeks. An Interconnection Customer may also need time to evaluate risk or renegotiate terms with partners or suppliers. A shortened window could force underinformed decisions, potentially weakening the study process, and may disproportionately disadvantage smaller developers or those with more complex project structures. Maintaining a 30-day period ensures a more equitable and thoughtful decision-making process both for Interconnection Customers and BPA.

This new constraint on the modification procedures specified in Section 4.4 of BPA's OATT Attachment L amounts to a material modification of the OATT and therefore must be subject to the procedural requirements for modifying the OATT, and cannot be processed as a Business Practice, which offers minimal procedural protections. Our conclusion is supported by the “rule of reason,” which requires that tariffs include practices that “affect rates and service significantly,” “are realistically susceptible of specification,” and “are not so generally understood in any contractual arrangement as to render recitation superfluous.”¹ Halving the time available for an Interconnection Customer to consider the outcome of a material modification request easily meets these tests and therefore must be included in BPA's OATT.

In addition, BPA's current Phase I cluster study is not due to be completed until January 30, 2026, the first date on which the proposed Business Practice changes would come into practical effect. BPA should therefore extend the comment deadline and hold additional workshops to ensure that its proposed changes will not upset settled investment expectations or otherwise create unintended consequences.

¹ *Cometa Energia, S.A. De C.V.*, 191 FERC ¶ 61,089 at P 19 (2025).

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Conclusion

We urge BPA to reject its proposal to cut the time period available to an Interconnection Customer to consider the results of a study of a material modification request from 30 to 15 days both because 15 days is unreasonable given the commercial context in which the decision to proceed must be made and because this change belongs in BPA's OATT, not in a Business Practice.

Sincerely yours,

Eric L. Christensen