

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

**FY 2016-2017 PROPOSED POWER
AND TRANSMISSION RATE
ADJUSTMENTS**

BPA Docket No. BP-16

**TO: Hearing Clerk – L-7
Bonneville Power Administration
905 NE 11th Ave.
Portland, Oregon 97232
rateclerk@bpa.gov**

PETITION TO INTERVENE OF POWEREX CORP.

Pursuant to Section 1010.4 of the Bonneville Power Administration (“BPA”) Rules of Procedure Governing Rate Hearings and BPA’s December 4, 2014 Notice, 79 Fed. Reg. 71,984, Powerex Corp. (“Powerex”) hereby petitions the Hearing Officer for leave to intervene in BPA’s 2016-2017 Power and Transmission Rate Case Proceeding in the above-referenced docket. In support of this petition, Powerex respectfully shows the following:

**I.
SERVICE OF DOCUMENTS**

All correspondence and communications in this proceeding should be addressed to the following persons:

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Asterisks indicate representatives upon whom service should be made.

II. NATURE OF PROCEEDING

BPA has commenced a proceeding pursuant to Section 7(i) of the Northwest Power Act, 16 U.S.C. § 839e(i), to address proposed power and transmission rate adjustments. In the BP-16 rate proceeding, BPA proposes to revise rates for power, transmission, certain control area and ancillary services for FY 2016-2017. BPA indicates that these rates will become effective on October 1, 2015.

III. INTEREST OF POWEREX AND PETITION TO INTERVENE

Powerex is a corporation organized under the *Business Corporations Act* of British Columbia, with its principal place of business at Vancouver, British Columbia, Canada. As the wholly-owned marketing subsidiary of the British Columbia Hydro and Power Authority (“BC Hydro”), a provincial Crown Corporation owned by the Government of British Columbia, Powerex is an instrumentality of a foreign state under the Foreign Sovereign Immunities Act.¹ Powerex sells power at wholesale in the United States, pursuant to market-based rate authority originally granted by the Commission on September 24, 1997.²

¹ 28 U.S.C. §§ 1602, *et seq.* (2006 Supp.).

² See *British Columbia Power Exchange Corp.*, 80 FERC ¶ 61,343 (1997); *British Columbia Power Exchange Corp.*, Docket No. ER97-4024-012 (Sept. 12, 2000) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-002 (Oct. 30, 2003) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-007 (July 26, 2007) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-018 (Oct. 29, 2010) (unpublished letter order); *Powerex Corp.*, Docket No. ER10-3297-004 (Aug. 29, 2014) (unpublished letter order).

Powerex sells power from a portfolio of resources, including the Canadian Entitlement resources made available under the Columbia River Treaty, BC Hydro system resources, and various other power resources acquired from other sellers within the United States. Powerex also markets power in Canadian provinces other than British Columbia. Powerex is a transmission customer of BPA and takes service under BPA's Open Access Transmission Tariff, contracting with BPA for both firm and non-firm transmission service. Powerex is dependent upon BPA for a significant portion of its transmission access to U.S. wholesale markets.

As a large transmission customer of BPA, Powerex has a direct and vital interest in the outcome of this proceeding, and this interest is not represented by any other customer of BPA. Any decision by the Administrator in Docket BP-16 could affect the rates and terms and conditions of transmission service that BPA provides to Powerex. Therefore, Powerex respectfully requests that the Hearing Officer grant Powerex leave to intervene as a party to this rate proceeding.

Respectfully submitted,

/s/ Paul W. Fox
Paul W. Fox
Tyler S. Johnson
Bracewell & Giuliani LLP

Attorneys for Powerex Corp.

December 12, 2014

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CERTIFICATE OF SERVICE

Pursuant to Section 1010.4 of the Bonneville Power Administration (“BPA”) Rules of Procedure Governing Rate Hearings and BPA’s December 4, 2014 Notice, 79 Fed. Reg. 71,984, I hereby certify that I have this day served via email a copy of the foregoing on:

Mr. Kurt Casad, LP-7
Office of General Counsel
905 NE 11th Ave.
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krcasad@bpa.gov

Mr. Barry Bennett, LT-7
Office of General Counsel
905 NE 11th Ave.
Portland, Oregon 97232
bbennett@bpa.gov

Dated Seattle, WA this 12th day of December, 2014.

/s/ Tyler S. Johnson
Tyler S. Johnson