

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
BEFORE THE  
BONNEVILLE POWER ADMINISTRATION

**IN THE MATTER OF:** ) **BPA FILE No.: OS-14**  
 )  
**2014 OVERSUPPLY RATE PROCEEDING** )  
 )  
 ) **PETITION FOR**  
 ) **INTERVENTION OF**  
 ) **NORTHWEST &**  
 ) **INTERMOUNTAIN POWER**  
 ) **PRODUCERS COALITION**  
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Pursuant to the notice appearing in the Federal Register on November 8, 2012, 77 Fed. Reg. 66,963, Northwest & Intermountain Power Producers Coalition (“NIPPC”) respectfully petitions for intervention as a party in this proceeding. NIPPC’s primary concerns relate to the new ancillary service rate, the “Oversupply Rate,” being proposed by Bonneville Power Administration (“BPA”) as part of an unapproved compliance filing to the Federal Energy Regulatory Commission (“FERC”) in Docket No. EL11-44. In support of this request, NIPPC states as follows:

**I. PETITION TO INTERVENE**

NIPPC is organized as a nonprofit Washington corporation formed under the provisions of the Washington Nonprofit Miscellaneous and Mutual Corporations Act (Chapter 24.06 of the Revised Code of Washington). Its membership consists of companies that purchase transmission service from BPA or are developing or planning projects that will connect with BPA’s transmission system. A complete list of all of NIPPC’s members can be found at <http://www.nippc.org/info/members.tpl> (last visited November 12, 2012). NIPPC’s member companies represent a cross-section of thermal

and renewable energy generation technologies with over 4,000 megawatts of operating projects, the majority of which lie within BPA's balancing authority.

As a representative of BPA customers affected by the OS-14 Oversupply Rate, NIPPC has a material interest in this proceeding. NIPPC's interest cannot adequately be represented by any other party.

## **II. COMMUNICATIONS**

Copies of all pleadings, notices and other documentation should be served on the following authorized representatives of NIPPC:

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## **III. RESERVATION OF NIPPC'S LEGAL RIGHTS**

The proposed Oversupply Management Protocol awaits review by the Federal Energy Regulatory Commission in Docket No. EL11-44 as a compliance filing submitted by BPA after its predecessor protocol, Environmental Redispatch, was declared unlawful under Section 211A of the Federal Power Act in an order issued by FERC on December

7, 2011.<sup>1</sup> FERC has yet to take action on the Oversupply Management Protocol, which is opposed as unlawful by NIPPC and a number of other parties to FERC Docket No. EL11-44. If FERC rejects the Oversupply Management Protocol as unlawful, BPA's Oversupply Rate would correspondingly become both unlawful and unnecessary. Participation by NIPPC in this rate proceeding should not be construed as a change in the position it has advocated in Docket No. EL11-44 or as a waiver of any legal rights with regard to that FERC proceeding. NIPPC also reserves all of its rights in the FERC proceeding in Docket No. NJ12-7, in which BPA has caused the Oversupply Management Protocol to be pending simultaneous with the proceeding in Docket No. EL11-44.

#### **IV. CONCLUSION**

For the reasons stated herein, NIPPC respectfully requests that it be allowed to intervene in BPA File No. OS-14 as a party.

DATED this 14th day of November, 2012.

Respectfully submitted,

/s/ Andrew Young

Andrew Young  
K&L Gates LLP  
1601 K Street, NW  
Washington, DC 20006-1600

Attorney for NIPPC

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<sup>1</sup> Separately, NIPPC and several other petitioners each filed petitions for review of Environmental Redispatch and the Oversupply Management Protocol with the U.S. Court of Appeals for the Ninth Circuit, Case Nos. 11-72315, *et al.*, and 12-71761, *et al.* Those cases have been stayed by the Court, pending the outcome of the FERC proceeding in Docket No. EL11-44. NIPPC hereby preserves all of its rights in such proceedings before the Ninth Circuit.

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the foregoing PETITION FOR INTERVENTION OF NORTHWEST & INTERMOUNTAIN POWER PRODUCERS COALITION upon the individuals listed below via electronic mail:

Hearing Clerk – L-7  
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DATED this 14th day of November, 2012.

Respectfully submitted,

**/s/ Andrew Young**  
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