

UNITED STATES DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION

In the Matter of:)
) BPA Docket No. OS-14
The Bonneville Power Administration)
) PETITION TO INTERVENE OF
2014 Oversupply Rate Proceeding) PACIFICORP
)
)
)

Pursuant to the notice posted in the Federal Register on November 8, 2012, regarding the Bonneville Power Administration’s (“BPA”) Oversupply Rate Proceeding, Public Hearing and Opportunities for Public Review and Comment, 77 Fed. Reg. 66963 (2012), and section 1010.4 of the Rules of Procedure Governing Bonneville Power Administration Rate Hearings, 51 Fed. Reg. 7611 (1986), PacifiCorp hereby files this Petition to Intervene as a party in this proceeding.

I. PETITION TO INTERVENE

PacifiCorp, an indirect, wholly-owned subsidiary of MidAmerican Energy Holdings Company, is a vertically-integrated public utility primarily engaged in the business of providing retail electric service to approximately 1.7 million residential, commercial, industrial and other customers in portions of the following states: California, Idaho, Oregon, Utah, Washington and Wyoming. In addition, PacifiCorp provides electric transmission service in nine Western states, and owns or has interests in approximately 15,700 miles of transmission lines and 68 thermal, hydroelectric and wind-powered generating plants, with a plant net capacity of approximately 9,200 MW. PacifiCorp provides electric transmission service pursuant to a Commission approved open access transmission tariff and operates an integrated system spanning two control areas, PacifiCorp East and PacifiCorp West. PacifiCorp buys and sells electricity on the wholesale market with public and private utilities, energy marketing companies and incorporated

municipalities in connection with excess electricity generation or other system balancing activities.

On December 7, 2011, the Federal Energy Regulatory Commission (“FERC”) issued an Order Granting Petition in Docket No. EL11-44, and directed BPA to file a revised Open Access Transmission Tariff (“OATT”) pursuant to Federal Power Act Section 211A that provides comparable transmission service that is not unduly discriminatory or preferential. BPA did not file an OATT as directed and instead, on March 6, 2012, BPA made a filing in Docket No. EL11-44 discussing the Oversupply Management Protocol. As part of that filing, BPA stated its intention to establish an oversupply cost allocation methodology and rate in a formal rate case under section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act.

PacifiCorp is a Bonneville transmission customer and has also been curtailed under the Oversupply Management Protocol. As a result, PacifiCorp has an interest in the outcome of this proceeding that cannot be adequately represented by any other party. Accordingly, PacifiCorp respectfully requests that it be allowed to intervene as a party in the above-captioned proceedings.

PacifiCorp and many other parties have opposed the Oversupply Management Protocol as unlawful in FERC Docket No. EL11-44. If the Oversupply Management Protocol is found to be unlawful, BPA’s OS-14 would correspondingly become both unlawful and unnecessary. Participation by PacifiCorp 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. PacifiCorp also reserves all of its rights in the FERC NJ12-7 and NJ12-13 proceedings, in which BPA has caused the Oversupply Management Protocol to be pending simultaneous with the EL11-44 proceeding.

II. COMMUNICATIONS

All materials and communications relating to these proceedings should be served on the following:

Jeffery B. Erb
Assistant General Counsel
PacifiCorp Energy
825 N.E. Multnomah, Suite 600
Portland, OR 97232
Phone: (503) 813-5029
jeff.erb@pacificorp.com

Patrick C. Cannon
Senior Counsel
Pacific Power
825 N.E. Multnomah, Suite 1800
Portland, OR 97232
Phone: (503) 813-5613
Patrick.Cannon@pacificorp.com

With a courtesy copy requested to be sent to:

Karen J. Kruse
TROUTMAN SANDERS LLP
805 SW Broadway
Suite 1560
Portland, OR 97205-3326
Phone: (503) 290-2312
Fax: (971) 238-1688
karen.kruse@troutmansanders.com

Phil Obenchain
Director, Bonneville Regional Affairs
Pacific Power
825 N.E. Multnomah, Suite 2000
Portland, OR 97232
Phone: (503) 813-5990
Fax: (503) 813-6508
phil.obenchain@pacificorp.com

III. CONCLUSION

WHEREFORE, for the foregoing reasons, PacifiCorp respectfully requests that it be allowed to intervene in the above-captioned proceeding as a party.

DATED this 15th day of November 2012.

By: /s/ Karen J. Kruse
Karen J. Kruse
TROUTMAN SANDERS LLP
805 SW Broadway, Suite 1560
Portland, OR 97205-3326

Attorney for PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2012, I served, via electronic mail, this Petition to Intervene of PacifiCorp upon the following individuals:

Hearing Clerk – L-7
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
rateclerk@bpa.gov

Bonneville Power Administration

Mr. Alan Chan, LT-7
Office of the General Counsel
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232
acchan@bpa.gov

DATED: November 15, 2012

By: /s/ *Karen J. Kruse*
Karen J. Kruse
TROUTMAN SANDERS LLP
805 SW Broadway, Suite 1560
Portland, OR 97205-3326