

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**  
 ) **TRANSALTA ENERGY**  
 ) **MARKETING (U.S.) INC.**  
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Pursuant to the notice appearing in the Federal Register on November 8, 2012, 77 Fed. Reg. 66,963, TransAlta Energy Marketing (U.S.) Inc. (“TEMUS”) respectfully petitions for intervention as a party in this proceeding. TEMUS’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, TEMUS states as follows:

**I. PETITION TO INTERVENE**

TEMUS is a corporation organized under the laws of the State of Delaware, with an office in Portland, Oregon, head office in Calgary, Alberta, Canada and electric generation facilities in the State of Washington. TEMUS’s interest in the Oversupply Rate arises because it owns the Centralia Generating Facility and Big Hanaford Project (the “Projects”). The Projects’ operations and costs would be affected by BPA’s Oversupply Rate. As TEMUS is directly and significantly impacted by this proceeding, and its interests cannot be adequately represented by another party, it respectfully requests that it be allowed to intervene as a party.

## II. COMMUNICATIONS

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

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## III. RESERVATION OF TEMUS' 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 TEMUS 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.

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<sup>1</sup> Separately, TEMUS 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. 11-72311, *et al.*, and 12-71763, *et al.* Those cases have been stayed by the Court, pending the outcome of the FERC proceeding in Docket No. EL11-44. TEMUS hereby preserves all of its rights in such proceedings before the Ninth Circuit.

Participation by TEMUS 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. TEMUS 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, TEMUS 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 TEMUS

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the foregoing PETITION FOR INTERVENTION OF TRANSALTA ENERGY MARKETING (U.S.) INC. 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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