

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

**PROPOSED MODIFICATIONS TO
OPEN ACCESS TRANSMISSION
TARIFF**

BPA Docket No. TC-22

PETITION TO INTERVENE OF POWEREX CORP.

Pursuant to Sections 1010.6 and 1010.11 of the Bonneville Power Administration's ("BPA") 2018 Rules of Procedure and BPA's December 1, 2020 notice, 85 Fed. Reg. 77,196, Powerex Corp. ("Powerex") hereby petitions the Hearing Officer for leave to intervene in BPA's Proposed Open Access Transmission Tariff Hearing 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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II. NATURE OF PROCEEDING

BPA has commenced a proceeding pursuant to Section 212(i)(2)(A) of the Federal Power Act, 16 U.S.C. § 824k(i)(2)(A), to adopt new and revised non-rate general terms and conditions for transmission, ancillary, and generator interconnection services over the Federal Columbia River Transmission System to be effective October 1, 2021.

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Corp.*, 80 FERC ¶ 61,343 (1997); *British Columbia Power Exchange Corp.*, Docket No. ER97-4024-012 (Sept. 12, 2000) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-002 (Oct. 30, 2003) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-007 (July 26, 2007) (unpublished letter order); *Powerex Corp.*, Docket No. ER01-48-018 (Oct. 29, 2010) (unpublished letter order); *Powerex Corp.*, Docket No. ER10-3297-004 (Aug. 29,

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 and Canada. Powerex is a transmission customer of BPA and takes service under BPA's existing Open Access Transmission Tariff, contracting with BPA for both firm and non-firm transmission service.

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 TC-22 could affect the terms and conditions for 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/ Tyler S. Johnson

Tyler S. Johnson
Bracewell LLP

Attorney for Powerex Corp.

December 4, 2020

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing by uploading it to the Bonneville Power Administration's secure website. Pursuant to Section 1010.10(a) of the Rules of Procedure of the Bonneville Power Administration, such filing constitutes service on all Litigants.

Submitted by,

/s/ Tyler S. Johnson
Counsel for Powerex Corp.