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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

ADMIRALTY INLET TIDAL ENERGY
PROJECT

PROJECT NO. 12690-000

CITY OF PORT TOWNSEND'S
MOTION TO INTERVENE

I. INTRODUCTION

Pursuant to Rules 210 and 214 and of the Federal Energy Regulatory Commission ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.210 and .214, the City of Port Townsend ("the City") hereby moves for leave to intervene in the above-captioned proceeding. The City is filing this motion for intervention in response to the June 22, 2006, Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests and Comments in FERC Project No. 12690-000. In support of the motion, the City respectfully states as follows:

II. COMMUNICATIONS

All correspondence, communications, pleadings and other documents related to this proceeding should be addressed to:

John P. Watts, City Attorney
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Port Townsend, Washington 98368
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CITY OF PORT TOWNSEND'S MOTION TO
INTERVENE - 1

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
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PHONE (206) 447-4400 FAX (206) 447-9700

1 **With Copies to:**

2 P. Stephen DiJulio
3 Joseph A. Brogan
4 FOSTER PEPPER PLLC
5 1111 Third Avenue, Suite 3400
6 Seattle, Washington 98101
7 Telephone: (206) 447-4400
8 Facsimile: (206) 749-1935
9 E-mails: DIJUP@Foster.com; BROGJ@Foster.com

10 The City requests that each of the individuals identified above be placed on the
11 Commission's official service list in this proceeding and hereby consents to receiving such
12 service electronically.

13 **III. BACKGROUND OF THIS PROCEEDING**

14 Public Utility District No. 1 of Snohomish County, Washington ("Snohomish PUD")
15 filed a notice of application pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) -825(r), for
16 a project known as Admiralty Inlet Energy Project ("Project"). Snohomish PUD filed an
17 application for a preliminary permit for a proposed tidal energy project that would consist of:
18 (1) 450 Tidal In Stream Energy Conversion (TISEC) devices consisting of rotating propeller
19 blades ten to twenty meters in diameter; (2) integrated generators with a capacity of 50 kW; (3)
20 anchoring systems; (4) mooring lines; and (5) interconnection transmission lines. The proposed
21 project is estimated to have an annual generation of 146.2 gigawatt-hours per year. The project
22 is proposed to be located in Admiralty Inlet in the northwestern portion of Puget Sound, directly
23 within and adjacent to the City of Port Townsend, between the Olympic Peninsula and Whidbey
24 Island, in Jefferson, Kitsap, and Island Counties, in the State of Washington.

25 **IV. INTERESTS OF THE INTERVENOR JUSTIFYING INTERVENTION**

26 The City of Port Townsend is a Washington municipal corporation formed under the
 laws of the State of Washington. The City was incorporated in 1860 and is a full-service city
 with operating utilities. The City has significant public and regulatory interests in the issues

1 before the Commission. The "Project" is proposed to be located, in part, within the jurisdiction
2 of the City, which extends to the middle of Admiralty Inlet adjacent to and fronting the
3 incorporated City. RCW 35.21.160. The interest of the City as the public agency with
4 delegated authority to implement the State Shoreline Management Act of 1971 along the
5 shorelines of Admiralty Inlet, to implement and enforce local water quality, water resources and
6 fish and wildlife resources regulations and policies along the shorelines of Admiralty Inlet, and
7 to provide for the safety, health and welfare of its citizens is not adequately represented by any
8 other party in this proceeding. It is in the public interest that the local government charged with
9 compliance with these various laws, regulations and policies be heard before the Commission
10 on matters that affect those interests.

11 The City continues to explore the costs and benefits of operating its own electrical
12 utility. *See Electric Franchise Committee Report, Port Townsend, June 15, 2000.* Therefore,
13 the City is actively engaged in regulatory affairs involving development and siting of clean
14 energy facilities in the region, particularly efforts to develop and site such facilities within and
15 in close proximity to its corporate boundaries. To this extent, the City is separately submitting a
16 Notice of Intent to the Commission regarding its intent to submit a competing preliminary
17 permit application for the Project.

18 The City has the authority to grant franchisees the right, privilege and authority to set,
19 erect, construct, support, attach, connect, and locate utilities facilities, including Project
20 facilities in, upon, over, under, along, across and through the City for the purpose of
21 transmission, distribution and sale of energy. To that extent, the City has a vested interest in
22 ensuring compliance with all local laws (including, but not limited to, the lawful exercise of the
23 City's general police powers) related to the development, construction, and operation of energy
24 facilities or franchises within the City.

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CITY OF PORT TOWNSEND'S MOTION TO
INTERVENE - 3

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1 In light of the City's own plans with respect to future energy resources and its regulatory
2 obligations, the City desires to monitor and stay informed about the nature of the Project and to
3 participate herein to the full extent authorized under the Commission rules.

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7 **V. MOTION TO INTERVENE**

8 Therefore, good cause having been shown, the City respectfully requests pursuant to
9 Commission rules that it be permitted to intervene in the above-entitled proceedings and be
10 made a party thereto. It requests the right to have notice of and appear at any and all hearings or
11 proceedings, to produce evidence and cross-examine witnesses, to be heard through counsel
12 through written and oral argument, to be served henceforth with copies of all pleadings,
13 applications, and notices, and for such other participation and relief as may be appropriate under
14 Commission rules.

15
16 RESPECTFULLY SUBMITTED this 18th day of August 2006.

17
18 CITY OF PORT TOWNSEND
John Watts, City Attorney, WSBA No. 1259

19 FOSTER PEPPER PLLC

20 

21 P. Stephen DiJulio, WSBA No. 7139
22 Joseph A. Brogan, WSBA No. 30664
Attorneys for City of Port Townsend

UNITED STATES OF AMERICA
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City of Port Townsend's
Motion to Intervene

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via e-mail or via U.S. Postal Service, the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 18th day of August, 2006.



Helen M. Stubbert, Legal Assistant to
Joseph A. Brogan, Counsel for
City of Port Townsend

Contacts listed with '**' must be postal served

Service List for P-12690-000 PUD #1 of Snohomish County, WA

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Attorney General Office WDFW	William Frymire Senior Counsel Washington Attorney General's Office PO Box 40100 Olympia , WASHINGTON 98501 UNITED STATES billf@atg.wa.gov	Gary R. Sprague Major Projects Section Manager Washington Department of Fish & Wildlife Habitat Program 600 Capitol Way N Olympia , WASHINGTON 98501-1091 UNITED STATES spraggrs@dfw.wa.gov
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