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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

AGATE PASSAGE TIDAL ENERGY
PROJECT

PROJECT NO. 12691-000

CITY OF BAINBRIDGE ISLAND'S
MOTION TO INTERVENE

I. INTRODUCTION

Pursuant to Rules 210 and 214 of the Federal Energy Regulatory Commission ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.210 and .214, the City of Bainbridge Island ("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 July 3, 2006, Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests and Comments in FERC Project No. 12691-000. 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:

Paul McMurray, City Attorney
280 Madison Avenue N.
Bainbridge Island, Washington 98110
Telephone: (206) 780-8618
Facsimile: (206) 780-8600
E-mail: paulm@ci.bainbridge-isl.wa.us

CITY OF BAINBRIDGE ISLAND'S MOTION TO
INTERVENE - 1

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

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With Copies to:

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

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

III. BACKGROUND OF THIS PROCEEDING

Public Utility District No. 1 of Snohomish County, Washington ("Snohomish PUD") filed a notice of application pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) -825(r), for a project known as the Agate Passage Tidal Energy Project ("Project"). Snohomish PUD filed an application for a preliminary permit for a proposed tidal energy project that would consist of: (1) Tidal In Stream Energy Conversion (TISEC) devices consisting of rotating propeller blades three meters in diameter; (2) integrated generators with a capacity of 50 kW; (3) anchoring systems; (4) mooring lines; and (5) interconnection transmission lines. The proposed project is estimated to have an annual generation of 146.2 gigawatt-hours per year. The project is proposed to be located in Agate Passage in Puget Sound, directly within and adjacent to the City of Bainbridge Island, between the north end of Bainbridge Island and the Kitsap Peninsula in Kitsap County, Washington.

IV. INTERESTS OF THE INTERVENOR JUSTIFYING INTERVENTION

The City of Bainbridge Island is a Washington municipal corporation formed under the laws of the State of Washington. The City's jurisdiction extends into and over the waters of

1 Puget Sound to the middle of Puget Sound and into and over any bays adjacent to or fronting
2 the City. BIMC 12.40.010.

3 The City has significant public and regulatory interests in the issues before the
4 Commission. The interest of the City as the public agency with delegated authority to
5 implement the State Shoreline Management Act of 1971 along the shorelines of Puget Sound
6 and Agate Passage, to implement and enforce local water quality, water resources, critical areas
7 and fish and wildlife resources regulations and related policies along the shorelines of Agate
8 Passage, and to provide for the safety, health and welfare of its citizens is not adequately
9 represented by any other party in this proceeding. It is in the public interest that the local
10 government charged with compliance with these various laws, regulations and policies be heard
11 before the Commission on matters that affect those interests.

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

19 In light of the City's jurisdiction over Project areas depicted in the Application and its
20 regulatory obligations, the City desires to monitor and stay informed about the nature of the
21 Project and to participate herein to the full extent authorized under the Commission rules.

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CITY OF BAINBRIDGE ISLAND'S MOTION TO
INTERVENE - 3

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

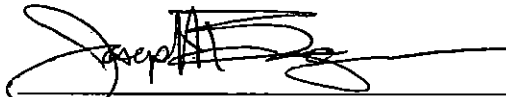
V. MOTION TO INTERVENE

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

RESPECTFULLY SUBMITTED this 29th day of August 2006.

CITY OF BAINBRIDGE ISLAND
Paul McMurray, City Attorney, WSBA No. 20288

FOSTER PEPPER PLLC



P. Stephen DiJulio, WSBA No. 7139
Joseph A. Brogan, WSBA No. 30664
Attorneys for City of Bainbridge Island

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

AGATE PASSAGE TIDAL ENERGY PROJECT


PROJECT NO. 12691-000

City of Bainbridge Island'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 29th day of August, 2006.



Helen M. Stubbert, Legal Assistant to
Joseph A. Brogan, Counsel for
City of Bainbridge Island

Contacts listed with '**' must be postal served

Service List for P-12691-000 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
PUD #1 of Snohomish County, WA		**Steven J Klein General Manager PUD #1 of Snohomish County, WA PO Box 1107 Everett ,WA 982061107 UNITED STATES
Washington State Department of Ecology	Joan M. Marchioro Senior Counsel Washington Office of Attorney General P.O. Box 40117 Olympia , WASHINGTON 98504-0117 UNITED STATES JoanM2@atg.wa.gov	Alice Kelly WA Department of Ecology 3190 160th Ave SE Bellevue , WASHINGTON 98005 UNITED STATES akel461@ecy.wa.gov
Washington State Dept. of Natural Res	Terry Pruitt Assistant Attorney General Washington Attorney General's Office 1125 Washington St. SE PO BOX 40100 Olympia , WASHINGTON 98504 UNITED STATES terryp@atg.wa.gov	Elizabeth Ellis Planner Washington Dept. of Natural Resources 1111 Washington ST SE PO Box 47027 Olympia , WASHINGTON 98513 UNITED STATES elizabeth.ellis@wadnr.gov
Whidbey Environmental Action Network	Steve Erickson Whidbey Environmental Action Network Box 53 Box 53 Langley , WASHINGTON 98260 UNITED STATES wean@whidbey.net	

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