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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

GUEMES CHANNEL TIDAL ENERGY
PROJECT

PROJECT NO. 12698-000

CITY OF ANACORTES' 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 Anacortes, Washington ("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 25, 2006 Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests and Comments in FERC Project No. 12698-000. 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:

Ian Munce, City Attorney
Anacortes Municipal Building
904 6th Street
P.O. Box 547
Anacortes, Washington 98221-0547
Telephone: (360) 293-1912
Facsimile: (360) 293-1938
E-mail: ian@cityofanacortes.org

CITY OF ANACORTES' MOTION TO INTERVENE - 1

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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-mail: 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 Guemes Channel Tidal Energy Project ("Project"). Snohomish PUD filed an application for a preliminary permit for a proposed tidal energy project that would consist of: (1) 166 Tidal In Stream Energy Conversion (TISEC) devices consisting of rotating propeller blades ten meters in diameter; (2) integrated generators with a capacity of 66 kW; (3) anchoring systems; (4) mooring lines; and (5) interconnection transmission lines. The proposed project is estimated to have an annual generation of 28.5 gigawatt-hours per-year. The project is proposed to be located in Guemes Channel between Guemes Island and the City of Anacortes in Skagit County, Washington.

IV. INTERESTS OF THE INTERVENOR JUSTIFYING INTERVENTION

The City of Anacortes is a Washington municipal corporation formed under the laws of the State of Washington. The Project is proposed to be located, in part, within the jurisdiction of the City, which extends into Puget Sound and Guemes Channel. See RCW 35.21.160.

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

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

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

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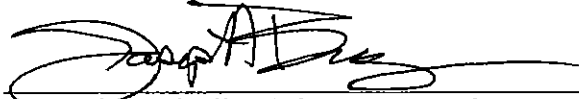
V. MOTION TO INTERVENE

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 22nd day of September 2006.

CITY OF ANACORTES
Ian Munce, City Attorney, WSBA No. 21527

FOSTER PEPPER PLLC



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

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City Of Anacortes' 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 22nd day of September, 2006.



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

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