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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

SPIEDEN CHANNEL TIDAL ENERGY
PROJECT

PROJECT NO. 12689-000

SAN JUAN COUNTY'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, San Juan County ("the County") hereby moves for leave to intervene in the above-captioned proceeding. The County 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. 12689-000. In support of the motion, the County respectfully states as follows:

II. COMMUNICATIONS

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

Randall K. Gaylord, San Juan County Prosecuting Attorney
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SAN JUAN COUNTY'S MOTION TO INTERVENE - 1

FOSTER PEPPER PLLC
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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 County 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 the Spieden Channel Tidal Energy Project ("Project"). Snohomish PUD
17 filed an application for a preliminary permit for a proposed tidal energy project that would
18 consist of: (1) 168 Tidal In Stream Energy Conversion (TISEC) devices consisting of rotating
19 propeller blades twenty meters in diameter; (2) integrated generators with a capacity of 50 kW;
20 (3) anchoring systems; (4) mooring lines; and (5) interconnection transmission lines. The
21 proposed project is estimated to have an annual generation of 32.47 gigawatt-hours per year.
22 The Project is proposed to be located in Spieden Channel which is located between San Juan
23 Island and Spieden Island, in San Juan County, Washington.

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

25 The County is a Washington municipal corporation formed under the laws of the State
26 of Washington. The County's jurisdiction extends into and over the waters of Spieden Channel.
27 RCW 36.04.280.

SAN JUAN COUNTY'S MOTION TO INTERVENE - 2

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

The County has the authority to grant franchisees the right, privilege and authority to set, erect, construct, support, attach, connect, and locate utilities facilities, including Project facilities in, upon, over, under, along, across and through the County for the purpose of transmission, distribution and sale of energy. To that extent, the County has a vested interest in ensuring compliance with all local laws related to the development, construction, and operation of energy facilities or franchises within the County.

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

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SAN JUAN COUNTY'S MOTION TO INTERVENE - 3

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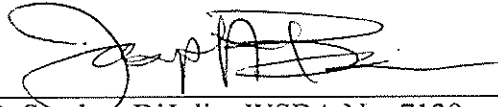
V. MOTION TO INTERVENE

Therefore, good cause having been shown, the County 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 18th day of August 2006.

SAN JUAN COUNTY
Randall K. Gaylord, WSBA No. 16080
San Juan County Prosecuting Attorney

FOSTER PEPPER PLLC



P. Stephen DiJulio, WSBA No. 7139
Joseph A. Brogan, WSBA No. 30664
Special Deputy Prosecuting Attorneys for San Juan
County

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

SPIEDEN CHANNEL TIDAL ENERGY
PROJECT

PROJECT NO. 12689-000

San Juan County'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
San Juan County

eServiceResults

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