

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Tacoma Power

Project No. 12612-000

NOTICE DENYING LATE INTERVENTION

(November 21, 2006)

On February 22, 2006, Commission staff issued a preliminary permit to Tacoma Power for the proposed Narrows Tidal Energy Project No. 12612, to be located in the southern portion of Puget Sound, Pierce County, Washington.¹

On August 23, 2006, the Tulalip Tribes (Tulalip) filed a late motion to intervene in the proceeding, asserting that no party in the proceeding represents Tulalip's interests and that it only learned of the application soon before it filed its motion to intervene.

When intervention is sought after issuance of a dispositive order extraordinary grounds must be established to warrant favorable action on the request.² The period for seeking rehearing has long passed and the order is final. Tulalip's assertions do not provide extraordinary grounds to grant intervention at this time. The motion for late intervention is denied.³

This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the issuance of this notice, pursuant to 18 CFR § 385.713.

Magalie R. Salas
Secretary

¹ 114 FERC ¶ 62,174 (2006). The permit was issued for a term of 36 months. It will expire on January 31, 2009, or on the date Tacoma Power files a development application that is accepted for processing, whichever occurs first.

² *Weber Basin Conservancy District*, 50 FERC ¶ 61,409 at 62,262 (1990).

³ If the permittee files a license or exemption application, notice will be published, and Tulalip will have an opportunity to intervene and present views on the proposed project.