

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Deception Pass Tidal Energy Project )  
Washington Tidal Energy Company ) Project No. 12663-000  
)  
)

PUBLIC UTILITY DISTRICT NO. 1  
OF SNOHOMISH COUNTY, WASHINGTON  
MOTION TO INTERVENE

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, .214, Public Utility District No. 1 of Snohomish County, Washington ("Snohomish"), hereby moves to intervene in the above-captioned proceeding. The grounds for this motion are:

I.

All orders, notices, pleadings, and correspondence related to this proceeding should be directed to:

Steven J. Klein, General Manager  
Public Utility District No. 1 of Snohomish County, Washington  
P.O. Box 1107  
2320 California Street  
Everett, WA 98206-1107

Email: [sjklein@snopud.com](mailto:sjklein@snopud.com)

and

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Jeffrey R. Kallstrom, Senior Counsel  
Public Utility District No. 1 of Snohomish County, Washington  
P.O. Box 1107  
2320 California Street  
Everett, WA 98206-1107

Email: [jkallstrom@snopud.com](mailto:jkallstrom@snopud.com)

## II.

Snohomish is a publicly-owned utility and a municipal corporation in the State of Washington, formed by a vote of the people in Snohomish County in 1936 for the purpose of providing electric and water service. Snohomish serves a population of over 656,000 in one of the fastest growing areas of Washington State. We are the second largest publicly-owned utility in the Pacific Northwest and the twelfth largest in the nation, currently serving over 300,000 homes and businesses. Snohomish's service territory is near the location of the proposed Deception Pass Tidal Energy Project.

Snohomish is statutorily obligated to serve its load, and a recent study by Conway Pedersen Economics found that Snohomish's service territory is expected to experience unprecedented growth in coming years. Further, as a load-serving utility, Snohomish is subject to impending state and federal legislation and regulatory action that will impose strict requirements on the acquisition of renewable generation. Tidal Energy is the one of the few viable supply option in the vicinity of Snohomish's service territory available to fulfill these types of statutory obligations. Localized generation provides the added benefit of relieving stress on an already congested regional transmission grid.

### III.

On May 2, 2006, the Commission issued a notice that the Washington Tidal Energy Company had filed a Preliminary Permit for a project known as Deception Pass Tidal Energy Hydroelectric Project. Under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), the holder of a Preliminary Permit has priority during the term of the permit to study a project site, and during that term only the holder of a Preliminary Permit has the right to file an application for a license to construct and operate a project at that site. All other potential developers are prevented from filing for a license for a project on the site covered by the Preliminary Permit. As a result, the holder of a Preliminary Permit has a substantial competitive advantage over other would-be developers.

### IV.

On June 14, 2006, Snohomish submitted a Competing Application for Preliminary Permit to secure rights to study and possibly develop a tidal energy project at Deception Pass. Snohomish claimed preference under section 7(a) of the Federal Power Act and 18 C.F.R. § 4.37, and provided an alternative project design, both in overall footprint and number of turbines installed, among other differences. Snohomish's Competing Application for Preliminary Permit was assigned project number P-12687. The Commission issued a notice that the application had been accepted for filing on June 22, 2006.

Snohomish currently awaits the Commission's decision as to how the Competing Applications for the Deception Pass location will be resolved.

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V.

For the above reasons, Snohomish has unique and substantial interests which will be directly affected by the outcome of this proceeding, and these interests are not adequately represented by existing parties. Snohomish respectfully requests that the Commission grant Snohomish intervenor status, including all rights that accompany such status.

DATED this 3rd day of July, 2006.

Respectfully submitted,

*Isl Jeffrey R. Kallstrom*

Jeffrey R. Kallstrom, WSBA No. 37169  
Senior Counsel  
Public Utility District No. 1 of Snohomish  
County, Washington  
(425) 783-8250

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served by regular mail the foregoing document upon each person designated on the official service list in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

DATED at Everett, WA, this 3rd day of July, 2006.

*Isl Jeffrey R. Kallstrom*

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