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December 4, 2008

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: Motion to Intervene; North Eden Pumped Storage Project (P-13249-000)

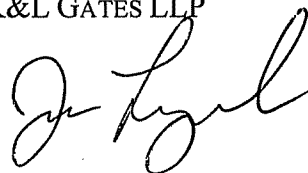
Dear Secretary Bose:

Please see the enclosed motion of PacifiCorp Energy to intervene in the above-referenced proceeding.

Thank you for your attention to this matter.

Very truly yours,

K&L GATES LLP



By

James M. Lynch
Attorney for PacifiCorp Energy

Cc: Service List

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

North Eden Pumped Storage)	
Project)	Project No. 13249-000
North Eden Hydro LLC)	

PACIFICORP ENERGY'S 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 and 385.214 (2008), PacifiCorp Energy ("PacifiCorp") hereby moves to intervene and be made a party in the above-referenced docket in which North Eden Hydro, LLC ("North Eden Hydro" or "Applicant") submitted a preliminary permit for the North Eden Pumped Storage Project.

I. MOTION TO INTERVENE

A. Communications

Service and other communications in this proceeding should be made to the following individuals:

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B. Description and Position of Movant

PacifiCorp is a vertically-integrated public utility primarily engaged in the business of providing retail electric service to approximately 1.7 million customers in the following states: Utah, Oregon, Wyoming, Washington, Idaho and California. In addition, PacifiCorp provides electric transmission service in nine Western states, and owns several Commission-licensed hydroelectric projects.

As discussed below, PacifiCorp possesses a substantial interest in the proposed project, and is cognizant of the potential conflicts that could arise between the proposed project and PacifiCorp's existing generation and transmission assets, including PacifiCorp's operation and delivery of water from Bear Lake and related transmission facilities. However, at this time, PacifiCorp is unable to take a position on the proposed project as it does not possess sufficient factual information to determine if such conflicts exist. PacifiCorp reserves its rights to object to the proposed project in the event additional information indicates the existence of such conflicts.

PacifiCorp recommends that the Commission require North Eden Hydro to consult with PacifiCorp as a condition of the preliminary permit. Through such required consultations, the parties may be able to avoid unnecessary conflicts that could arise should the project be designed without consideration of existing PacifiCorp assets.

C. Basis for Intervention

PacifiCorp has a significant interest in this proceeding for several reasons. First, PacifiCorp owns and operates the Bear River Hydroelectric Project, Project No. 20, located on the Bear River in Southeastern Idaho, in the vicinity of the Applicant's proposed North Eden Pumped Storage Project. PacifiCorp owns water rights in the Bear River and Bear Lake which have been established through litigation and decree.

PacifiCorp is also obligated under contracts to deliver water from Bear Lake to irrigators in both Idaho and Utah. Any water diverted by the proposed project that would otherwise naturally flow into the Bear River or Bear Lake could impair PacifiCorp's ability to recognize the full benefits of its existing water rights, and such diversions could jeopardize PacifiCorp's ability to comply with existing contractual obligations. Consequently, PacifiCorp has an interest in insuring the proposed project does not conflict with its existing water rights or contractual obligations.

Second, PacifiCorp owns and operates electric transmission lines in the vicinity of the proposed project. The Applicant states in its preliminary permit application that it proposes to interconnect with a proposed upgrade to an existing PacifiCorp transmission line. Such an interconnection raises potential operational and engineering issues for the Company since it is not clear if the proposed upgrade will be constructed, or if the existing transmission lines contain the requisite capacity to convey power produced by the proposed project. PacifiCorp likewise possesses an interest in insuring the stable transmission of power in the project area, and as a potential competitor of the Applicant, wishes to insure the proposed project does not unnecessarily interfere with or cause unnecessary expense to PacifiCorp's generation assets.

Third, PacifiCorp possesses a financial interest in the continued, unimpeded operation of its Bear River Hydroelectric Project, and the implementation of the associated Project license and settlement agreement. PacifiCorp's interests may be directly affected by the outcome of this proceeding by virtue of the fact that the proposed project may result in environmental impacts on fish or wildlife in the local area that could in turn impact the effectiveness of the Bear River Hydropower Settlement Agreement.

Furthermore, PacifiCorp's participation in this proceeding as an intervener is in the public interest because PacifiCorp has entered into a comprehensive settlement agreement with various federal and state agencies, and PacifiCorp will continue to inform and educate the Commission and other parties on how the proposed project may impact implementation of this existing multi-party settlement agreement.

Fourth, PacifiCorp possesses a financial interest in the amount and timing of generation produced by the proposed project. The Applicant states in its application that potential customers of the proposed project include PacifiCorp and Rocky Mountain Power, a division of PacifiCorp. It is unclear from the preliminary permit application what the intended capacity of proposed project is at this stage because, on one hand, the proposed capacity of the powerhouse is 100 MW, but the application states that installation of five 100 MW generating units will occur. It is thus somewhat unclear what potential competitive impacts the proposed project may have on PacifiCorp's generation and transmission system. Additionally, PacifiCorp possesses an interest in insuring market conditions in this region remain stable such that PacifiCorp can recover the substantial investments made in the Bear River Hydroelectric Project and related facilities.


Finally, other participants in this proceeding may take positions on the issues that support their specific interests, and those positions may differ from the positions that PacifiCorp may take. For this reason, no other party can adequately represent the interest of PacifiCorp.

II. CONCLUSION

For the reasons given above, PacifiCorp respectfully requests that the Commission grant PacifiCorp's Motion to Intervene in the above-captioned docket, making it a party of record to the proceeding. PacifiCorp also requests that the Commission order the Applicant to consult with PacifiCorp as a condition of the preliminary permit to minimize potential inconsistencies between the proposed project and existing PacifiCorp generation and transmission facilities.

DATED this 4th day of December, 2008.

Respectfully Submitted,



JAMES M. LYNCH
K&L Gates LLP
Attorney for PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 4th day of December, 2008.

Name: s/s Mia Wiltse
Mia Wiltse, Legal Assistant
K&L Gates
(206) 370-5707

Document Content(s)

PacifiCorp_Intervention.PDF.....1-7