

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

Wyoming Colorado Intertie, LLC) Docket No. ER09-834-000

**MOTION OF THE WYOMING INFRASTRUCTURE AUTHORITY
TO INTERVENE IN SUPPORT OF AN APPLICATION FOR AUTHORITY TO
SELL TRANSMISSION RIGHTS AT NEGOTIATED RATES**

Pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 the Wyoming Infrastructure Authority (“WIA”) hereby moves to intervene in the above-captioned proceeding in support of the Wyoming Colorado Intertie, LLC’s (“WCI”) application for Commission authorization to charge negotiated rates for transmission rights on a proposed 180-mile, 345 kV alternating current transmission project (the “Project”) to link Wyoming energy, primarily wind generation resources, to markets in Colorado. WIA has supported the development of this Project with funding and urges the Commission to promptly approve the application as the next necessary step in making the Project a reality.

I. COMMUNICATIONS

Service of all pleadings and communications in this proceeding should be addressed to:

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II. MOTION TO INTERVENE

The WIA is a state instrumentality tasked under Wyoming law with diversifying and growing Wyoming's economy through the development of Wyoming's electric transmission infrastructure. WIA's responsibilities include planning, financing, building, maintaining, and operating electric transmission and related facilities. To that end, the WIA is authorized to issue bonds to finance new transmission lines to support new generation facilities in the state; to own and operate lines in instances where private investment is not offered; to enter into partnerships with public or private entities to build and upgrade transmission lines; to investigate, plan, prioritize, and establish corridors for electric transmission; and to establish and charge fees and rates for the use of its facilities.

WCI has filed a petition seeking authorization to charge negotiated rates for firm, point-to-point transmission service on a proposed 180-mile, 345 kV transmission project that will originate in Wyoming and terminate in Colorado. The proposed WCI Project will link 850 MW of primarily Wyoming wind generation resources with markets in Colorado. As part of its task of diversifying and growing the State's economy through the development of electric transmission infrastructure, and because of the importance of the Project, WIA has supported the development of the Project with a commitment funding 50% of the Project's development costs. Should the Project be built, and upon WCI's financing, monies expended by WIA (with a reasonable rate-of-return) will be refunded to the State.¹

Consequently, as the organization in Wyoming tasked with diversifying and growing the State's economy through the development of electric transmission

¹ WIA will not retain an equity ownership in the Project in any form.

infrastructure, and as a Project sponsor, the WIA has a direct and substantial interest in this proceeding that cannot be adequately represented by any other party. Therefore, the WIA requests that the Commission grant it intervenor status in the above-captioned proceeding with all rights appropriate thereto.

III. COMMENTS IN SUPPORT OF WCI's APPLICATION

WIA supports WCI's application and requests for waivers. The Project, if built, will provide substantial benefits to the state of Wyoming and to the western power grid. The Project will transport much needed renewable energy to load centers along the front-range of the Rocky Mountains in Colorado. Additionally, development of transmission infrastructure in Wyoming is particularly important to the nation. According to the National Renewable Energy Laboratory wind resource assessment maps, Wyoming has more "developable" Class 5, 6 and 7 wind resources than all other western states combined; thus, the higher capacity factors for Wyoming wind resources will more than offset the incremental capital cost for transmission infrastructure.²

Further, as the Commission has recognized, the construction of transmission infrastructure has not kept pace with the need for additional energy resources, particularly renewable energy resources, and that developing transmission is essential to meeting national energy goals.³ This is especially true in Wyoming where the potentially large commitments of renewable resources lack adequate transmission infrastructure to reach markets. To that end, approval of WCI's application will add renewable energy and much-needed incremental transmission capacity to serve the marketplace for many years.

² See, e.g., http://www.nrel.gov/wind/resource_assessment.html.

³ See generally *In The Matter Of Integrating Renewable Resources Into the Wholesale Electric Grid*, Docket No. AD09-4-000, transcript of Technical Conference of March 2, 2009.

Indeed, WIA committed state resources to assist in developing the Project's potential to meet this need.

As demonstrated by WCI's application, the necessary requirements for Commission approval for a merchant project that is not within an RTO have been met. As represented by its Open Season Report, subscription to the Project's capacity was established through an open season process that was non-discriminatory, fair and transparent. The Project's sponsors will take ultimate financial responsibility and market risk for the costs of the Project. Service will be provided under an approved Open Access Transmission Tariff. And there are no grounds for finding that the Project sponsors or the Project itself raise any affiliate, market-power, reliability or property rights concerns.

Finally, WIA urges the Commission to provide the Project sponsors with the prompt decision they request, by May 10, 2009. Prompt action on WCI's application and requests for waivers will provide regulatory certainty critical to the timely financing and construction of the Project.

CONCLUSION

For the foregoing reasons, the Wyoming Infrastructure Authority requests that the Commission (1) grant WIA's motion to intervene to accord WIA full rights to participate as a party in this proceeding; and (2) grant WCI's application for the Project.

Respectfully submitted,

/s/ John H. Conway

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March 26, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in these proceedings in accordance with the requirements of Rule 2010 of the Commission Rules of Practice and Procedure, 18 C.F.R. 385.2010.

DATED this 26th day of March, 2009.

By: /s/ Allen R. O'Neil

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