

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

EDISON ELECTRIC INSTITUTE,
Petitioner,

v.

FEDERAL ENERGY REGULATORY
COMMISSION, Respondent.

Case No. 11-1111

**MOTION TO INTERVENE OF THE AMERICAN
PUBLIC POWER ASSOCIATION, THE
NATIONAL RURAL ELECTRIC COOPERATIVE
ASSOCIATION, AND THE TRANSMISSION
ACCESS POLICY STUDY GROUP**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and Circuit Rule 15(b), the American Public Power Association (“APPA”), the National Rural Electric Cooperative Association (“NRECA”), and the Transmission Access Policy Study Group (“TAPS”) hereby move to intervene in the above-captioned proceeding.

I. STATEMENT OF INTEREST AND GROUNDS FOR INTERVENTION

APPA is the service organization and trade association for the nation’s more than 2,000 community-owned electric utilities that serve 45 million Americans. It was created in 1940 as a non-profit, non-partisan organization. Its purpose is to advance the public policy interests of its members and their consumers, and

provide member services to ensure adequate, reliable electricity at a reasonable price with the proper protection of the environment.

NRECA is the national service organization and trade association for more than 900 not-for-profit rural electric utilities that provide electric energy to approximately 42 million consumers in 47 states or 12 percent of the nation's population. Kilowatt-hour sales by rural electric cooperatives account for approximately 11 percent of all electric energy sold in the United States. NRECA members generate approximately 50 percent of the electric energy they sell and purchase the remaining 50 percent from non-NRECA members. The vast majority of NRECA members are not-for profit, consumer-owned cooperatives. NRECA's members also include approximately 66 generation and transmission ("G&T") cooperatives, which generate and transmit power to 668 of the 846 distribution cooperatives. The G&Ts are owned by the distribution cooperatives they serve. Remaining distribution cooperatives receive power directly from other generation sources within the electric utility sector. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost.

TAPS is a trade association of transmission-dependent utilities in more than 30 states, promoting open and non-discriminatory transmission access. It was formed in 1989. TAPS members include municipal utilities, municipal joint action

agencies, electric cooperatives, and an investor-owned utility. As entities entirely or predominantly dependent on transmission facilities owned and controlled by others, TAPS members recognize the importance of bulk power system reliability to their ability to provide reliable, affordable service to their customers.

On April 18, 2011, the Edison Electric Institute submitted a petition for review of the following orders issued by the Federal Energy Regulatory Commission (“FERC”):

1. Transmission Relay Loadability Reliability Standard, Final Rule, Order No. 733, 130 FERC ¶ 61,221 (March 18, 2010);
2. Transmission Relay Loadability Reliability Standard, Order on Rehearing, Clarification, and Request for an Extension of Time, Order No. 733-A, 134 FERC ¶ 61,127 (February 17, 2011).

The orders at issue involve FERC’s review, pursuant to Section 215 of the Federal Power Act, 16 U.S.C. § 824o (2006), of the mandatory reliability standard for transmission relay loadability proposed by the North American Electric Reliability Corporation. APPA, NRECA, and TAPS each have members that are either subject to or impacted by reliability standards, including the Transmission Relay Loadability Reliability Standard, and will therefore be directly affected by the outcome of this appeal. APPA, NRECA, and TAPS were active in the proceedings

before FERC; their substantial interests in the issues at stake in this proceeding cannot be adequately represented by any other party.

II. CONCLUSION

WHEREFORE, APPA, NRECA, and TAPS respectfully request that the Court grant their Motion to Intervene in the above-captioned appeal and, pursuant to Circuit Rule 15(b), in all other petitions involving FERC Docket No. RM08-13, including later filed cases.

Respectfully submitted,

**AMERICAN PUBLIC POWER
ASSOCIATION**

**NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION**

/s/ Susan N. Kelly

/s/ Jay Morrison

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Vice President of Policy Analysis
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**TRANSMISSION ACCESS POLICY
STUDY GROUP**

/s/ Cynthia S. Bogorad

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May 18, 2011

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**CORPORATE DISCLOSURE STATEMENT OF
THE AMERICAN PUBLIC POWER
ASSOCIATION, THE NATIONAL RURAL
ELECTRIC COOPERATIVE ASSOCIATION, AND
THE TRANSMISSION ACCESS POLICY STUDY
GROUP**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the above-named entities provide the following corporate disclosure statement.

The American Public Power Association (“APPA”) is the service organization and trade association for the nation’s more than 2,000 community-owned electric utilities that serve 45 million Americans. It was created in 1940 as a non-profit, non-partisan organization. Its purpose is to advance the public policy interests of its members and their consumers, and provide member services to ensure adequate, reliable electricity at a reasonable price with the proper protection of the environment. The association has no shareholders and no parent companies, and no publicly-held company has a 10% or greater ownership interest in APPA. Some of APPA’s members have issued debt securities held by the general public.

The National Rural Electric Cooperative Association (“NRECA”) is the national service organization and trade association for more than 900 not-for-profit rural electric utilities that provide electric energy to approximately 42 million consumers in 47 states or 12 percent of the nation’s population. Kilowatt-hour sales by rural electric cooperatives account for approximately 11 percent of all electric energy sold in the United States. NRECA members generate approximately 50 percent of the electric energy they sell and purchase the remaining 50 percent from non-NRECA members. The vast majority of NRECA members are not-for profit, consumer-owned cooperatives. NRECA’s members also include approximately 66 generation and transmission (“G&T”) cooperatives, which generate and transmit power to 668 of the 846 distribution cooperatives. The G&Ts are owned by the distribution cooperatives they serve. Remaining distribution cooperatives receive power directly from other generation sources within the electric utility sector. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost. NRECA does not have any parent companies, and no publicly-held company has a 10% or greater ownership interest in NRECA.

The Transmission Access Policy Study Group (“TAPS”) is a trade association of transmission-dependent utilities in more than 30 states, promoting open and non-discriminatory transmission access. It was formed in 1989. TAPS

members include municipal utilities, municipal joint actions agencies, electric cooperatives, and an investor-owned utility. TAPS does not have any parent companies, and no publicly-held company has a 10% or greater ownership interest in TAPS.

Respectfully submitted,

**AMERICAN PUBLIC POWER
ASSOCIATION**

**NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION**

/s/ Susan N. Kelly

/s/ Jay Morrison

Susan N. Kelly
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May 18, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have on this 18th day of May, 2011, caused the foregoing document to be served upon each person listed below, in accordance with Circuit Rule 27(a)(1):.

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Via CM/ECF Email

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