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September 27, 1999

Mr. Anthony J. Como
Office of Coal & Power Im/Ex (FE-27)
Office of Fossil Energy
U.S. Department of Energy
1000 Independence Ave, S.W.
Mail Stop 4-G-025 or 4G-039
Washington, D.C. 20585-0350

Re: Proposed Open Access Requirement for International Electric Transmission Facilities and Delegation to the Federal Energy Regulatory Commission, FE Docket No. 99-1 (Presidential Permits PP-45, PP-63, and 99-192 and Export Authorizations E-7482 and IE-78-6)

Dear Mr. Como:

Enclosed for filing are an original and fifteen copies of the Joint Motion to Intervene of Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin) and NRG Energy, Inc. (jointly "NSP Companies") in the above-referenced proceeding. Thank you for your assistance.

Kindly acknowledge receipt of this filing by time-stamping an extra copy for our files. If you have any questions or need further assistance, please contact the undersigned.

Sincerely,

James P. Johnson

Attorney for the NSP Companies

Enclosures

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY

Proposed Open Access Requirement for International Electric Transmission Facilities and Delegation to the Federal Energy Regulatory Commission	)))))	FE Docket No. 99-1 (Presidential Permits PP-45, PP-63, and 99-192 and Export Authorizations E-7482 and IE-78-6

JOINT MOTION TO INTERVENE
OF
NORTHERN STATES POWER COMPANY (MINNESOTA), NORTHERN STATES POWER COMPANY (WISCONSIN) AND NRG ENERGY, INC.

All communications and pleadings in this matter are to be sent to each of the following:

For Northern States Power Company (Minnesota):

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For Northern States Power Company (Wisconsin):

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Northern States Power Company
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Minneapolis, MN 55401

For NRG Energy, Inc:

James Bender
General Counsel
NRG Energy, Inc.
1221 Nicollet Mall
Minneapolis, MN 55402

Date: September 27, 1999

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY

Proposed Open Access Requirement for International Electric Transmission Facilities and Delegation to the Federal Energy Regulatory Commission	)))))	FE Docket No. 99-1 (Presidential Permits PP-45, PP-63, and 99-192 and Export Authorizations E-7482 and IE-78-6

JOINT MOTION TO INTERVENE
OF
NORTHERN STATES POWER COMPANY (MINNESOTA),
NORTHERN STATES POWER COMPANY (WISCONSIN)
AND NRG ENERGY, INC.
PROTEST AND REQUEST FOR EXEMPTION

MOTION TO INTERVENE

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC"), and the Notice issued at 64 Fed. Reg. 40,586 (July 27, 1999). Northern States Power Company (Minnesota) and its wholly-owned subsidiaries Northern States Power Company (Wisconsin) and NRG Energy, Inc. hereby file this joint motion to intervene in the above-captioned proceedings and represent to the Department of Energy ("DOE"):

1. The name, address and telephone number of each person upon whom service is to be made and to whom communications are to be addressed is set forth on the cover page to this motion. The exact legal names of movants are Northern States Power Company (Minnesota) ("NSP"), Northern States Power Company (Wisconsin) ("NSP-W") and NRG Energy, Inc. ("NRG"). When referring to NSP, NSP-W and NRG on a joint basis, they will hereafter be called "the NSP Companies."

2. NSP is a Minnesota corporation with its principal office in the City of Minneapolis, Minnesota. NSP is an electric and natural gas public utility authorized to do business in the States of Minnesota, North Dakota and South Dakota. NSP-W is Wisconsin corporation with its principal

office in the City of Eau Claire, Wisconsin. NSP-W is an electric and natural gas public utility authorized to do business in the States of Wisconsin and Michigan.

NSP and NSP-W presently own and operate electric transmission facilities subject to the wholesale rate and tariff jurisdiction of FERC. NSP and NSP-W are members of the Mid-Continent Area Power Pool ("MAPP"), one of the ten regional reliability councils of the North American Electric Reliability Council ("NERC"). NSP and NSP-W have filed a joint Open Access Transmission Tariff ("OATT") pursuant to the requirements of FERC Order No. 888.

2. NRG is a Delaware corporation and a wholly-owned subsidiary of NSP which, *inter alia*, owns and operates non-utility electric generation and related facilities throughout the United States and the world.

3. On July 27, 1999, the DOE issued a notice ("Notice") of its intention to amend existing Presidential Permits issued for the construction, operation, maintenance or connection of facilities at the international borders for the transmission of electric energy between the United States and foreign countries to require permit holders to provide non-discriminatory access to transmission services. The open access requirement would be attached to the permit holder's authorization(s) to export electricity for both existing and new authorizations. The DOE also provided notice of the delegation and assignment by the Secretary of Energy to the FERC of the authority to carry out functions of the Secretary related to the implementation and enforcement of the proposed open access requirement. 64 Fed. Reg. 40,586 (July 27, 1999).

4. As stated in the Notice, NSP has requested and received two Presidential Permits and Export Authorizations (Presidential Permits PP-45 and PP-63, and Export Authorizations E-7482 and IE-78-6) which authorized NSP to construct, own and operate certain 230 kV and 500 kV interconnection facilities at the U.S./Canadian international boundary. NRG has proposed the construction of a 500 kV facility which would cross the U.S./Mexico international boundary near Calexico, California. As indicated in the Notice, the NRG Presidential Permit application (PP-192) is pending DOE authorization.

NSP already provides voluntary open access to the two import/export points under its OATT filed pursuant to FERC Order No. 888. However, the Notice would nonetheless affect the NSP Presidential Permits and Export Authorizations by placing new DOE conditions on those permits and authorizations. The Notice would also affect the proposed Presidential Permit and

Export Authorization requested by NRG. NSP and NRG would thus be directly affected by the proposed conditions and the outcome of this proceeding. Moreover, NSP and NRG's interests will not be adequately represented by other parties, and those interests are material and substantial. Therefore, granting the joint motion of the NSP Companies to intervene would serve the public interest.

PROTEST AND REQUEST FOR EXEMPTION

5. The Notice requests that any permit holder who believes the open access requirement should not be applied to its facilities should specify in its comments why application of the requirement would not be appropriate or in the public interest. NRG has applied for a permit to construct a transmission line originating near Phoenix, Arizona which would interconnect the southwestern portion of the U.S. with the northern Baja peninsula of Mexico; (this region of Mexico is non-synchronous with the remainder of the Mexican transmission system, but does operate synchronously with the Western Interconnection of the U.S.). That application, PP-192, is still pending. The line is intended to facilitate economic development in Mexico, consistent with the goals of the North American Free Trade Agreement ("NAFTA"). Agreements for the sale of electricity into this region, and thus specific contractual arrangements for the transmission of power to designated Mexican delivery points has not yet been made. However, for the proposed line to meet its intended purpose, and to preserve the incentive for construction of the line, is it essential that a portion of its capacity be made available for parties wishing to sell into Mexico, rather than merely being used as an alternative transmission route into Southern California. NRG has not developed a specific proposal for allocation of use of this line. However, unconditional imposition of open-access requirements at this early stage of development could prevent alternative proposals, more in keeping with the public interest, to progress. Thus, NRG requests that PP-192 be exempt from the proposed imposition of open-access requirements at this time. At a minimum, Applicants ought to be able to present evidence to DOE or FERC with respect to pending applications as to whether open access conditions would serve the public interest on a case-by-case basis.

6. The NSP Companies only learned of the Notice this morning, September 27, 1999 and thus have not had sufficient opportunity to develop a pleading that explains NRG's concerns in detail. Thus, the NSP Companies reserve the right to file supplemental comments regarding the

proposed Presidential Permit condition and the impact such a condition would have on the proposed NRG project.

7. The NSP Companies do not request a hearing at this time, but reserve the right to appear at any conference or hearing and to take any position necessary to protect their interests and the interests of their wholesale and retail electric customers.

WHEREFORE, the NSP Companies move the DOE for status as parties to this proceeding.

Respectfully submitted,

NORTHERN STATES POWER COMPANY (MINNESOTA),
NORTHERN STATES POWER COMPANY (WISCONSIN) and
NRG ENERGY, INC.

By _____

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Dated: September 27, 1999