Corbett & Schreck, P.C.
Attorneys at Law
9525 Katy Freeway., Suite 420
Houston, Texas 77024
Bus: (713) 464-5759
Fax: (713) 461-9109

Douglas Corbett
Email: dlcorbe@ibm.net

Matthew M. Schreck
Email: matt@neosoft.com

1999 SEP 29 P 3:56

Office of Coal and Power IM/EX (FE-27)
Office of Fossil Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0350

Re: Proposed Open-Access Requirement International Electric Transmission Facilities and Delegation to the Federal Energy Regulatory Commission
FE Docket No. 99-1

Dear Sir or Madam;

Pursuant to Section 385.214 of the regulation of the Federal Energy Regulatory Commission, enclosed herewith is an original and fifteen copies of the "Motion to Intervene Out-of-Time of Sumas Energy 2, Inc."

Also enclosed herewith is an extra copy to be file-stamped and returned to the undersigned in the enclosed self-addressed, stamped envelope.

Thank you for your assistance.

Very truly yours,

Matthew M. Schreck
Attorney for
Sumas Energy 2, Inc.

MMS/cdt
Enclosures

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY

Proposed Open Access Requirement International Electric Transmission Facilities and Delegation to the Federal Energy Regulatory Commission	))))	FE Docket No. 99-1

MOTION TO INTERVENE OUT-OF-TIME OF SUMAS ENERGY 2, INC.

Pursuant to the U.S. Department of Energy ("DOE") "Notice of Proposed Amendment to Presidential Permits and Export Authorizations and Delegation and Assignment to the Federal Energy Regulatory Commission" ("Notice"), published in the *Federal Register* on July 27, 1999, Sumas Energy 2, Inc. ("SE2") hereby respectfully moves to intervene out-of-time in the above-styled proceeding. In support of this intervention, SE2 respectfully states as follows:

I.

The full, legal name of Sumas is Sumas Energy 2, Inc. SE2's offices are located at 335 Parkplace, Suite 110, Kirkland, Washington 98033. SE2 is a corporation organized in the State of Washington, for the purpose of developing, constructing, owning, and operating a planned 660 megawatt electrical station and appurtenant facilities to be located in Sumas, Washington (the "Project").

II.

All communications and correspondence regarding this application should be addressed to the following person:

Matthew M. Schreck
Corbett & Schreck, P.C.
9525 Katy Freeway, Suite 420
Houston, Texas 77024
(713) 464-5759 - Telephone
(713) 461-9109 - Facsimile

III.

Pursuant to the Notice, the DOE intends to amend existing Presidential Permits issued for the construction, operation, maintenance, or connection of facilities at the international border for the transmission of electric energy between the United States and foreign countries to require permit holders to provide non-discriminatory, open-access transmission services. The open-access requirement would also be attached to the permit holder's export authorization. In order to implement and enforce this new open-access requirement, the DOE has delegated to the Federal Regulatory Commission ("Commission") the necessary authority to carry out functions of the Secretary of Energy.

The DOE also intends to condition all future Presidential Permits issued for international electric transmission facilities appropriate for third-party transmission with the requirement that they provide non-discriminatory, open-access transmission services. Such requirement would also be attached to the permit holder's export authorization.

The DOE also has determined that the open-access requirement will not be added to certain Presidential Permits (both existing as well as pending applications) because the lines authorized by those permits are not currently connected to the U.S. domestic power system and, accordingly, are not appropriate for third-party transmission.[1]

IV.

SE2, as an applicant for a Presidential Permit to construct cross-border power transmission facilities between the United States and Canada, has a direct interest in this proceeding that cannot

---

[1]SE2's Project is one of those pending Presidential Permit applications (Docket No. PP-204) to which the open-access requirement will not be required, due to the fact that the lines to be authorized will not interconnect with the U.S. domestic electric power system.

adequately be represented by any other party. Accordingly, SE2 respectfully requests that it be granted leave to intervene in this proceeding with the full rights accorded those with party status.

Due to computer problems, SE2 was unable to timely intervene in the proceeding.[2] However, this proceeding is in its earliest stages, and no order has been issued by the DOE. Accordingly, SE2's intervention will neither delay nor disrupt this proceeding, and no party will be burdened or prejudiced by SE2's participation. Therefore, SE2's late intervention meets the standards for such pleadings as set forth in Rule 214(d) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure. (18 C.F.R. § 385.214(d) (1999).

V.

WHEREFORE, SE2 respectfully requests leave to intervene in this proceeding.

Very truly yours,

SUMAS ENERGY 2, INC.

By: _____

Matthew M. Schreck
Corbett & Schreck, P.C.
9525 Katy Freeway, Suite 420
Houston, Texas 77024
(713) 464-5759

Attorney for Sumas Energy 2, Inc.

Dated: September 29, 1999

---

[2]Interventions were due by September 27, 1999.