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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners: John M. Espindola, Chair
Steve DeVries
Mark Johnston
Robert M. Pickett
John C. Springsteen

In the Matter of the Initial Nondiscriminatory Open)
Access Transmission Tariff Designated as TA1-) U-25-028
8001 Filed by the RAILBELT TRANSMISSION)
ORGANIZATION) ORDER NO. 6

**ORDER GRANTING MOTION TO ACCEPT LATE FILED PETITION TO
INTERVENE AND GRANTING PETITIONS TO INTERVENE**

BY THE COMMISSION:

Summary

We grant the motion to accept late-filed petition to intervene filed by the Renewable Energy Alaska Project (REAP). We grant the petitions to intervene as parties in this docket filed by the Bradley Lake Project Management Committee (BPMC), the City of Seward d/b/a Seward Electric Systems (SES), the Railbelt Reliability Council (RRC), the Alaska Energy Authority (AEA), the Alaska Public Interest Research Group (AKPIRG), Homer Electric Association, Inc., on behalf of itself and its wholly owned subsidiary Alaska Electric and Energy Cooperative, Inc. (HEA), Matanuska Electric Association, Inc. (MEA), Golden Valley Electric Association, Inc. (GVEA), Aurora Energy, LLC (Aurora), Alaska Wind Holdings, LLC (Alaska Wind), Chugach Electric Association, Inc. (Chugach), REAP, and the Alaska Intertie Management Committee (IMC).¹

¹The petitions to intervene are listed in the apparent order of filing. The order of petition filing establishes the order of case presentation under 3 AAC 48.151(4)(B). Any (continued . . .)

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Background

The Railbelt Transmission Organization (RTO) filed its initial nondiscriminatory open access transmission tariff (OATT) applicable to the Railbelt Backbone Transmission System (BTS) designated as TA1-8001 in compliance with AS 44.83.710(b).² We issued public notice of TA1-8001 with comments due by July 16, 2025. In response to our public notice of TA1-8001, we received comments from the Office of the Attorney General, Regulatory Affairs and Public Advocacy Section (RAPA),³ AKPIRG,⁴ Alaska Wind,⁵ and the RRC.⁶

We suspended TA1-8001 into this docket for investigation, required the RTO to file direct testimony supporting TA1-8001 and responses to the initial public comments, we opened a second public comment period after the RTO's direct testimony was filed, we required the RTO to respond to any public comments received during the second public comment period, we invited participation by the Attorney General and petitions to intervene by interested persons, we issued questions for briefing, we required

party disagreeing with this order of filing should file a motion to correct it in time for resolution prior to the scheduled hearing.

²TA1-8001, filed July 1, 2025.

³*Office of the Attorney General Comments*, filed July 15, 2025, in TA1-8001 (RAPA Comments).

⁴Correspondence from Catherine Rocchi and Brian Kassof on behalf of AKPIRG, filed July 16, 2025, in TA1-8001 (AKPIRG Comments).

⁵Correspondence from Charlie McClelland on behalf of Alaska Wind, filed July 16, 2025, in TA1-8001 (Alaska Wind Comments).

⁶Correspondence from Elena M. Romerdahl on behalf of the RRC, filed July 16, 2025, in TA1-8001.

1 that petitions to intervene be filed by August 25, 2025, and we scheduled a prehearing
2 conference for August 26, 2025.⁷

3 The RTO filed an unopposed motion for a two-week extension to file its
4 direct testimony and responses to comments, and an unopposed motion for expedited
5 consideration of the motion for extension.⁸ We granted the motion for expedited
6 consideration and the motion for extension of time, extended the second public comment
7 period, and extended the final order timeline with the consent of all parties.⁹

8 RAPA elected to participate as a party in this docket.¹⁰ The BPMC, SES,
9 RRC, AEA, AKPIRG, HEA, MEA, GVEA, Aurora, Alaska Wind, Chugach, and REAP filed
10 petitions to intervene in this docket.¹¹ REAP also filed a motion to accept late-filed petition

11
12 ⁷Order U-25-028(1), *Order Suspending TA1-8001, Requiring the Filing of*
13 *Testimony Supporting TA1-8001 and Responses to Public Comments, Inviting*
14 *Participation by the Attorney General and intervention by Interested Persons, Setting*
15 *Timeline for Petitions to Intervene, Issuing questions, Scheduling Prehearing Conference,*
16 *Addressing Timeline for Decision, Designating Commission Panel, and Appointing*
17 *Administrative Law Judge*, dated August 14, 2025 (Order U-25-028(1)).

18 ⁸*Unopposed Motion for Two-week Extension to Prefiled Testimony and Comments*
19 *Deadlines*, filed August 18, 2025; *Unopposed Motion for Expedited Consideration of*
20 *Unopposed Motion for Two-week Extension to Prefiled Testimony and Comments*
21 *Deadlines*, filed August 18, 2025.

22 ⁹Order U-25-028(2), *Order Granting Unopposed Motion for Expedited*
23 *Consideration of Motion for Extension of Time, Granting Motion for Extension of Time,*
24 *and Extending Statutory Timeline with the Consent of All Parties*, dated August 18, 2025.

25 ¹⁰*Notice of Election to Participate*, filed August 18, 2025.

26 ¹¹*Bradley Lake Power [sic] Management Committee's Petition to Intervene*, filed
August 25, 2025 (BPMC Petition); *Seward Electric System's Petition to Intervene*, filed
August 25, 2025 (SES Petition); *Railbelt Reliability Council's Petition to Intervene*, filed
August 25, 2025 (RRC Petition); *Petition for Permission to Intervene of Alaska Energy*
Authority, filed August 25, 2025 (AEA Petition); *Alaska Public Interest Research Group's*
Petition to Intervene, filed August 25, 2025 (AKPIRG Petition); *Homer Electric Association*
Inc.'s Petition to Intervene, filed August 25, 2025 (HEA Petition); *Petition to Intervene of*
Matanuska Electric Association, Inc., filed August 25, 2025 (MEA Petition); *Golden Valley*
Electric Association, Inc.'s Petition to Intervene, filed August 25, 2025 (GVEA Petition);
(continued . . .)

1 to intervene.¹² We held a prehearing conference on August 26, 2025. The RTO, RAPA,
2 BPMC, SES, RRC, AEA, AKPIRG, HEA, MEA, GVEA, Aurora, Alaska Wind, Chugach,
3 and REAP all participated in the prehearing conference.¹³

4 The parties and petitioners at the prehearing conference agreed to a
5 procedural schedule for this docket and consented to an extension of the final order
6 timeline. Upon questioning by the Commission, the parties and petitioners agreed to
7 modifications to their proposed procedural schedule and a greater extension to the final
8 order timeline for this docket.¹⁴ RAPA orally stated at the conference that it did not
9 oppose any of the filed petitions to intervene.¹⁵

10 The RTO filed a conditional non-opposition to the pending petitions to
11 intervene.¹⁶ The IMC filed a petition to intervene.¹⁷ We adopted the procedural schedule
12 proposed by the parties and petitioners at the prehearing conference, and extended the
13

14
15 *Petition to Intervene of Aurora Energy, LLC*, filed August 25, 2025 (Aurora Petition);
16 *Alaska Wind Holding's Comments and Petition to Intervene*, filed August 25, 2025 (Alaska
17 *Wind Petition*); *Chugach Electric Association, Inc.'s Petition to Intervene*, filed August 25,
18 2025 (Chugach Petition); *Renewable Energy Alaska Project's Comments and Petition to*
19 *Intervene*, filed August 26, 2025 (REAP Petition).

20 ¹²*Renewable Energy Alaska Project's Motion to Accept Late Filing for its Petition*
21 *to Intervene*, filed August 26, 2025 (Motion to Accept).

22 ¹³Tr. 9-15. The BPMC's representative had to leave the conference early.

23 ¹⁴Tr. 28-33. All parties and petitioners orally agreed to these modifications and
24 orally consented to the greater extension to the final order timeline on the record at the
25 conference, except the BPMC's representative who had left the conference prior to this
26 discussion. The BPMC's representative later agreed and consented by correspondence
filed August 28, 2025.

¹⁵Tr. 24-25

¹⁶*RTO's Response to Petitions to Intervene*, filed September 2, 2025 (RTO
Response).

¹⁷*Intertie Management Committee's Petition to Intervene*, filed September 5, 2025
(IMC Petition).

1 final order timeline.¹⁸ RAPA and the RTO filed conditional non-oppositions to the IMC's
2 petition to intervene.¹⁹ The IMC filed a reply to these conditional non-oppositions.²⁰

3 **Discussion**

4 **Motion to Accept Late-filed Petition to Intervene**

5 Petitions to intervene as a party in this docket were due by 5:00 p.m. on
6 August 25, 2025.²¹ REAP filed its petition to intervene in this docket prior to the 10:00
7 a.m. start of the prehearing conference on August 26, 2025. REAP fully participated in
8 the prehearing conference.²²

9 With its petition to intervene, REAP also filed a motion to accept the late-
10 filed petition to intervene. In the Motion to Accept, REAP asserts that it attempted to
11 acquire the login and password required to file its petition to intervene electronically under
12 3 AAC 48.095(b) at approximately 2:00 p.m. on August 25, 2025. At 2:30 p.m. REAP
13 telephonically contacted Commission Staff to get assistance in acquiring this login and
14 password but were unable to find a successful solution to the problem. At 4:00 p.m.,
15 REAP staff physically came to the Commission's office to get help. A solution to REAP's
16 filing problem was not discovered until 5:40 p.m. on August 25, 2025, which was past the
17 deadline for a timely petition to be filed.²³

18
19 ¹⁸Order U-25-028(4), *Order Adopting Procedural Schedule, Extending the TA1-*
20 *8001 Suspension Period, and Extending the Timeline for Issuance of Final Order with the*
21 *Consent of All Parties and Petitioners*, dated September 8, 2025.

22 ¹⁹*RTO's Response to IMC's Petition for Late Intervention*, filed September 8, 2025
23 (RTO Response to IMC); *Office of the Attorney General's Response to Intertie*
24 *Management Committee's Petition to Intervene*, filed September 8, 2025 (RAPA
25 Response to IMC).

26 ²⁰Correspondence from J. Paisner, filed September 10, 2025 (IMC Reply).

²¹Order U-25-028(1) at 7.

²²Tr. 14-15, 30-31, 37.

²³Motion to Accept at 1-2.

1 REAP asks that its petition be accepted, based on its good-faith attempts
2 at making a timely filing.²⁴ No party has opposed the Motion to Accept, and the time for
3 filing such oppositions under 3 AAC 48.091(c) has passed. We find that REAP's untimely
4 filing of its petition to intervene has caused no prejudice to any party or other petitioner
5 and has not adversely affected development of a procedural schedule for resolving this
6 docket. Therefore, we grant REAP's Motion to Accept.

7 Petitions to Intervene

8 Commission consideration of petitions to intervene are governed by
9 3 AAC 48.110(a) and (b), which state:

10 (a) Petitions for permission to intervene as a party will be considered only in
11 those cases that are to be decided upon an evidentiary record after notice and
12 hearing. Any person who has a statutory right to be made a party to that
13 proceeding will be permitted to intervene. Any person whose intervention will
14 be conducive to the ends of justice and will not unduly delay the conduct of the
15 proceeding will, in the commission's discretion, be permitted to intervene. The
16 commission does not grant formal intervention, as such, in nonhearing
17 matters, and any interested person may file documents authorized under
18 3 AAC 48.010 - 3 AAC 48.170 without first obtaining permission.

19 (b) In passing upon a petition to intervene, the following factors, among others,
20 will be considered:

21 (1) the nature of the petitioner's right under statute to be made a party
22 to the proceeding;

23 (2) the nature and extent of the property, financial, or other interest of
24 the petitioner;

25 (3) the effect on petitioner's interest of the order which may be entered
26 in the proceeding;

(4) the availability of other means by which the petitioner's interest may
be protected;

(5) the extent to which petitioner's interest will be represented by
existing parties;

(6) the extent to which petitioner's participation may reasonably be
expected to assist in the development of a sound record, including the issues
that petitioner intends to address in the proceeding; and

(7) the extent to which participation of the petitioner will broaden the
issue or delay the proceeding.

²⁴Motion to Accept at 2.

1 The RTO does not oppose any of the petitions to intervene so long as the petitioner
2 agrees to not unduly delay resolution of this proceeding or expand the scope of issues to
3 be addressed.²⁵ RAPA does not oppose any of the petitions to intervene, except the IMC
4 petition which RAPA conditionally opposed.²⁶

5 No petitioner claims a statutory right to intervene under 3 AAC 48.110(b)(1),
6 except GVEA which cites AS 44.83.700 – 44.83.720 as authority.²⁷ We find no authority
7 in the cited statutes that provides a right to intervene in tariff matters. Therefore, we do
8 not grant the GVEA Petition to Intervene based on statutory right.

9 BPMC

10 The BPMC identifies itself as the organization responsible for management,
11 operation, maintenance, and improvement of the Bradley Lake Hydroelectric Project
12 (Bradley Lake) owned by AEA. The BPMC states that its membership consists of AEA,
13 Chugach, HEA, GVEA, MEA, and SES.²⁸ The BPMC currently manages those portions
14 of the BTS from the Bradley Lake powerhouse to the Bradley Junction Substation, and
15 from the Sterling Substation to Quartz Creek Substation.²⁹

16 The BPMC asserts that Bradley Lake is exempt from Commission
17 regulation under AS 42.05.431(c) and further states that:

18 Because certain transmission assets of [Bradley Lake] are covered by the
19 RTO's Open Access Tariff filing, the BPMC seeks intervention for the limited
20 purpose of ensuring those assets are treated properly in the OATT
21 proceedings. The unique nature of [Bradley Lake], its statutory protections,
22 the make-up of the BPMC and the long-term benefit [Bradley Lake] provides
23 to ratepayers throughout the railbelt, all support this limited intervention.

24 ²⁵RTO Response at 1-2; RTO Response to IMC at 1.

25 ²⁶Tr. 24-25; RAPA Response to IMC at 2.

26 ²⁷GVEA Petition at 5-6.

²⁸BPMC Petition at 2.

²⁹TA1-8001 at Tariff Sheet 15.

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... The BPMC believes its limited participation may assist the Commission, the RTO, and other parties as the scope of the OATT is being considered by all interested parties, and as such the BPMC's participation meets the requirements of 3 AAC 48.110(b).³⁰

AS 44.83.700(a) states:

(a) The Railbelt Transmission Organization is created for the purpose of establishing an open access transmission tariff that

(1) provides for recovery of transmission costs and related ancillary services; and

(2) replaces wholesale charges assessed by unit by each utility in the Railbelt with a new mechanism that fairly recovers and equitably allocates the costs of operating the backbone transmission system.

AS 44.83.710(b) states:

The transmission organization shall file with the commission a nondiscriminatory open access transmission tariff consistent with Federal Energy Regulatory Commission standards to remove impediments to competition in the wholesale bulk power marketplace in the state. If the transmission organization does not file a nondiscriminatory open access transmission tariff with the commission on or before July 1, 2025, the commission shall, after notice and opportunity for public comment, establish a nondiscriminatory open access transmission tariff consistent with this section.

AS 44.83.700(d) states:

Notwithstanding AS 42.05.711(b) and AS 44.83.090(b), the transmission organization is subject to the jurisdiction of the commission for the purposes of AS 44.83.700 — 44.83.720. The commission shall require the transmission organization to apply for a certificate under AS 42.05.221 and file tariffs to achieve the purposes of AS 44.83.700 — 44.83.720.

The RTO proposes to include in its proposed nondiscriminatory open access transmission tariff certain agreements that existed prior to filing of TA1-8001 without revisions to make those agreements compliant with the requirements of AS 44.83.700 — 44.83.720. The RTO refers to these as the grandfathered agreements, and they include five agreements directly related to Bradley Lake and three agreements related to the Sterling to Quartz

³⁰BPMC Petition at 3-4.

1 Creek transmission line managed by the BPMC.³¹ While proposing to “grandfather” these
2 agreements, the RTO states:

3 Although the RTO is not a party to any of the grandfathered agreements, many
4 of the TOs are, and they acknowledge the need to examine those agreements
5 as the OATT is implemented. While the RTO understands that grandfathering
6 these agreements does not immediately result in the elimination of all wheeling
7 in the Railbelt, the RTO recognizes that it took many years for the lower 48
8 markets to address legacy agreements – and
9 to date less than a year has passed since the Governor signed HB307. These
10 grandfathered agreements are extensive and complex; in addition, some
11 involve third party rights, such as debt covenants and bondholder obligations.
12 Moreover, allocating the costs of the grandfathered agreements to all Network
13 Customers, would result in some of those costs being borne in part by entities
14 that are not parties to a particular agreement and thus did not cause those
15 costs to be incurred.³²

16 As noted by Alaska Wind in its comments on TA1-8001, continued operation
17 of the proposed grandfathered agreements, such as the Bradley Lake agreements, can
18 substantially affect whether the RTO non-discriminatory open access tariff meets the
19 intent of 2024 HB307.³³ RAPA and AKPIRG have also raised concerns about some of
20 these grandfathered agreements.³⁴ It appears that conforming the various agreements
21 managed here by the BPMC and proposed for grandfathering by the RTO with the
22 requirements of AS 44.83.700 – 44.83.720 will need to be addressed in this docket.

23 The BPMC has asserted that its participation as a party will not delay
24 resolution of this docket or broaden the issues under consideration.³⁵ We believe that
25 the BPMC may be the entity most knowledgeable about the agreements the RTO
26 proposes for grandfathering and that are managed by the BPMC. Therefore, we find that

³¹TA1-8001, Tariff Sheet Nos. 21, 24, 31, 55, 58, 69, 84, and 86 (on Tariff Sheet No. 86, agreement numbers 1-5 are directly related to Bradley Lake and agreement numbers 8-10 are related to the Sterling to Quartz Creek transmission line).

³²TA1-8001 at 8.

³³Alaska Wind Comments at 1-2.

³⁴RAPA Comments at 7-9; AKPIRG Comments at 2, 7-8.

³⁵BPMC Petition at 4.

1 authorizing the BPMC to participate as a party in this docket would be conducive to the
2 ends of justice and we grant the BPMC Petition.

3 SES

4 SES specifically addressed each provision of 3 AAC 48.110(b) and stated
5 that its participation will not broaden the issues under consideration or delay the
6 proceeding.³⁶ SES identifies itself as a member of the RTO and an owner of a portion of
7 the BTS.³⁷ TA1-8001 shows SES as owning the entire transmission line from Dave’s
8 Creek Substation south to Seward.³⁸ SES states that it and its customers will be impacted
9 financially by the decisions in this docket and thus it should be permitted to intervene.³⁹

10 AS 44.83.710(c)(1)⁴⁰ mandates a reallocation of BTS costs among the
11 Railbelt electric utilities, and SES is one of the Railbelt electric utilities. Therefore, we find
12 that authorizing SES to participate as a party in this docket would be conducive to the
13 ends of justice and we grant the SES Petition.

14 RRC

15 The RRC specifically addressed each factor of 3 AAC 48.110(b) and states
16 that its participation will not broaden the issues or delay conduct of the proceeding. The
17 RRC asserts that:

18 _____
19 ³⁶SES Petition at 3-6.

20 ³⁷SES Petition at 1.

21 ³⁸TA1-8001, at Tariff Sheet No. 15 (this may be an error as other information
22 available to us indicates that Chugach owns the northern section of this transmission line
23 between Lawing Substation at Crown Point and Dave’s Creek Substation).

24 ³⁹SES Petition at 4-5.

25 ⁴⁰AS 44.83.700(c)(1) states: “The nondiscriminatory open access transmission
26 tariff must, as approved by the commission, (1) pool backbone transmission system costs
and allocate those costs through certificated load-serving entities on a coincident peak or
load ratio share basis, or a combination of both; and”

1 The RRC is an ex-officio non-voting RTO Board Member and a participant in
2 multiple RTO working groups. It therefore has a direct interest in the RTO tariff
3 and the outcome of this docket. The RRC is also tasked with developing a
4 regional integrated resource plan (IRP) that provides the greatest value to the
5 Railbelt. The RTO was legislatively directed to develop a nondiscriminatory
6 open access transmission tariff that removes barriers to the power transfers
7 anticipated by the IRP. The Commission's decision in this docket will therefore
8 directly impact the RRC's IRP development.

9 ... the RRC is uniquely situated to protect and represent its interests in this
10 docket as the Railbelt's ERO and in light of the RRC's legislative mandates.
11 The RRC alone has a statutory obligation to develop the IRP for the Railbelt
12 and must ensure that the RTO's tariff facilitates the power transfers associated
13 with that IRP.

14 ... the RRC's participation as both an RTO Board Member and the ERO for
15 the Railbelt will assist in the development of a sound record, including the
16 issues that the RRC intends to address in this proceeding that are described
17 in the comments submitted by the RRC in response to TA1-8001. The
18 questions posed by the Commission in Order U-25-028(1) indicate that the
19 Commission intends to conduct a broad and thorough investigation of the RTO
20 tariff filing. The RRC's participation in this docket therefore will not further
21 broaden the issues or delay the proceeding.⁴¹

22 For many of these reasons we extended an invitation for the RRC to
23 intervene in this Docket.⁴² We find that authorizing the RRC to participate as a party in
24 this docket would be conducive to the ends of justice and we grant the RRC Petition.

25 AEA

26 AEA specifically addressed each factor in 3 AAC 48.110(b) and states that
it will not broaden the scope of this proceeding or cause undue delay.⁴³ TA1-8001 shows
that AEA owns those portions of the BTS as defined in TA1-8001 between the Bradley
Lake power house and Bradley Junction, between Sterling Substation and Quartz Creek
Substation, and between Douglas Substation and Healy Substation (Alaska Intertie).⁴⁴
AEA states that it is the public corporation responsible for funding and staffing the RTO
and that AEA's Bradley Lake bond covenants could be impacted by the outcome of this

⁴¹RRC Petition at 2-3.

⁴²Order U-25-028(1) at 7.

⁴³AEA Petition at 2-5.

⁴⁴TA1-8001 at Tariff Sheets 12, 13, 15.

1 docket.⁴⁵ AEA states that no other party can represent its interests in this docket and that
2 only AEA can provide a record on the Bradley Lake bond covenants.⁴⁶

3 The outcome of this docket could affect how AEA recovers its BTS costs,
4 which in turn could have an impact on its Bradley Lake bond covenants unless information
5 regarding those covenants is clearly presented during this proceeding. The outcome of
6 this proceeding could also affect the continued viability of the Alaska Intertie Agreement
7 and operation of the Alaska Intertie which is owned by AEA. Therefore, we find that
8 authorizing AEA to participate as a party in this docket would be conducive to the ends of
9 justice and we grant the AEA Petition.

10 AKPIRG

11 AKPIRG specifically addressed the factors in 3 AAC 48.110(b) and states
12 that it will not delay the proceeding and has no desire to broaden the issues.⁴⁷ AKPIRG
13 identifies itself as a nonprofit consumer advocacy and public interest research
14 organization that holds a seat on the RRC.⁴⁸ AKPIRG asserts that:

15 The primary purpose of HB 307 is to eliminate wheeling fees: charges imposed
16 by transmission owners for moving electricity between utility systems. To
17 replace wheeling fees, the Alaska Legislature tasked the Railbelt Transmission
18 Organization (RTO) with developing a tariff that grants electric utilities and
19 independent power producers equal access to the transmission system (an
20 open-access transmission tariff, or OATT). To develop an OATT, the RTO
21 must also develop a formula for allocating the costs of transmission among
22 electric utilities and their members. A truly non-discriminatory OATT will
23 improve economies of scale for generation projects along the Railbelt. These
24 generation projects, in turn, can mitigate the effect of Alaska's natural gas
25 shortage on ratepayer bills and enhance energy security.⁴⁹ (internal citation
26 omitted)

⁴⁵AEA Petition at 3.

⁴⁶AEA Petition at 4.

⁴⁷AKPIRG Petition at 3-8.

⁴⁸AKPIRG Petition at 1.

⁴⁹AKPIRG Petition at 1-2.

1 AKPIRG participated as a party in the previous RTO docket, U-24-042,⁵⁰
2 without causing undue delay or broadening the issues of that docket. AKPIRG also
3 brought a viewpoint to that docket that differed from the positions of the other parties and
4 thus contributed to development of the record in Docket U-24-042. We find that
5 authorizing AKPIRG to participate as a party in this docket would be conducive to the
6 ends of justice and we grant the AKPIRG Petition.

7 HEA

8 HEA addressed each of the factors in 3 AAC 48.110(b) and states that it
9 has no intention of broadening the scope of this proceeding and that it will comply with
10 deadlines so as to avoid causing delay.⁵¹ HEA identified itself as a Railbelt electric utility
11 that owns transmission assets included in the BTS defined by the RTO.⁵² HEA is
12 identified in TA1-8001, Tariff Sheet No. 15, as the owner of that portion of the BTS
13 including the loop south from Soldotna Substation to Homer, the loop northwest from
14 Soldotna Substation to Nikiski, and the line between Soldotna Substation and Sterling
15 Substation.⁵³

16 AS 44.83.710(c)(1) mandates a reallocation of BTS costs among the
17 Railbelt electric utilities, and HEA is one of the Railbelt electric utilities. Therefore, we
18 find that authorizing HEA to participate as a party in this docket would be conducive to
19 the ends of justice and we grant the HEA Petition.
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22 ⁵⁰Docket U-24-042 is captioned *In the Matter of the Application Filed by the Railbelt*
23 *Transmission Organization for a Certificate of Public Convenience and Necessity in*
Compliance with Section 26 of HB307 and Order U-24-026(6).

24 ⁵¹HEA Petition at 3-6.

25 ⁵²HEA Petition at 2.

26 ⁵³TA1-8001 at Tariff Sheet 15.

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MEA

MEA specifically addressed most of the factors in 3 AAC 48.110(b) and states that it does not intend on expanding the scope of this docket.⁵⁴ MEA asserts that under TA1-8001, its ratepayers could potentially see the amount they pay for transmission services increase by millions of dollars.⁵⁵ TA1-8001 shows MEA as the owner of that portion of the BTS running from near Eagle River through Palmer and Wasilla to Douglas Substation in Willow.⁵⁶

AS 44.83.710(c)(1) mandates a reallocation of BTS costs among the Railbelt electric utilities, and MEA is one of the Railbelt electric utilities. Therefore, we find that authorizing MEA to participate as a party in this docket would be conducive to the ends of justice and we grant the MEA Petition.

GVEA

GVEA specifically addressed each of the factors in 3 AAC 48.110(b) and states that its participation will not broaden the scope of issues or delay the proceeding.⁵⁷ GVEA asserts that AS 44.83.700 – 44.83.720 will change the way it recovers its transmission costs and possibly allocate responsibility for the cost of other transmission systems to its ratepayers.⁵⁸ TA1-8001 identifies GVEA as owning all of the BTS segments located north of Healy.⁵⁹

AS 44.83.710(c)(1) mandates a reallocation of BTS costs among the Railbelt electric utilities, and GVEA is one of the Railbelt electric utilities. Therefore, we

⁵⁴MEA Petition at 2-4.

⁵⁵MEA Petition at 2.

⁵⁶TA1-8001 at Tariff Sheet 13

⁵⁷GVEA Petition at 5-9.

⁵⁸GVEA Petition at 7.

⁵⁹TA1-8001, Tariff Sheet 12.

1 find that authorizing GVEA to participate as a party in this docket would be conducive to
2 the ends of justice and we grant the GVEA Petition.

3 Aurora

4 Aurora specifically addressed each of the factors in 3 AAC 48.110(b) and
5 states that its participation is intended to focus on issues of greatest impact on
6 independent power producers, not broaden the scope of this proceeding or delay its
7 resolution.⁶⁰ Aurora states that

8 ...it provides electric service as a regulated utility under Certificate of Public
9 Convenience and Necessity (“Certificate”) No. 520 through operation of a coal
10 fired power plant known as the Chena Power Plant in Fairbanks, Alaska. At
11 present, Aurora sells electricity exclusively to Golden Valley Electric
12 Association, Inc. (“GVEA”), pursuant to the terms of a Commission-approved
13 Power Purchase Agreement. However, there is great potential that Aurora may
14 generate low-cost electricity in excess of GVEA’s needs. Aurora, therefore,
15 has a strong interest in ensuring that the OATT is a viable tool to facilitate the
16 sale of Aurora generated electricity throughout the Railbelt.

17 ...

18 Aurora is a regulated utility that generated approximately 122,000 MWh’s in
19 2024, with the capability to generate much more with planned plant
20 maintenance and potential improvements. It is anticipated that Aurora will have
21 generation capacity in excess of GVEA’s demand. Accordingly, access to
22 Railbelt transmission through the OATT with just and reasonable terms and
23 conditions is of great import to Aurora’s future operations.⁶¹

24 Aurora’s generation facility is located in the City of Fairbanks near the
25 Chena River.⁶² If Aurora has power to sell to utilities other than GVEA, such sales would
26 currently have to be either wheeled through the GVEA owned portion of the BTS between
Aurora and the Doyon Utilities, LLC system at Fort Wainwright or Fort Greely, or south to
and through the Alaska Intertie.⁶³ Thus, the terms and conditions of the RTO

⁶⁰Aurora Petition at 2-5.

⁶¹Aurora Petition at 2, 3.

⁶²Certificate of Public Convenience and Necessity No. 520, Service Area Map.

⁶³TA1-8001, Tariff Sheet 12

1 nondiscriminatory open access transmission tariff would apply to such sales by Aurora.

2 Aurora states:

3 Aurora plans to utilize the OATT in the future, and the terms and conditions
4 set forth in the OATT tariff have significant financial implications. Aurora's
5 participation in this docket will be intended to ensure access to transmission
through the OATT terms and conditions of service at just and reasonable rates
to be determined in the future.⁶⁴

6 The Second Amended and Restated Alaska Intertie Agreement, dated
7 March 11, 2014 (Alaska Intertie Agreement), includes an open access provision that is
8 defined in Section 16.1 as follows:

9 "Open Access" means that all potential Users of the Alaska Intertie shall be
10 provided access to transmission service on the Alaska Intertie under common
11 terms and conditions that are just and reasonable and not unjustly
discriminatory, subject to a priority reservation of Capacity for power supply
contracts with AEA projects, and equal access to Intertie system information
the IMC has deemed critical for all potential Users.⁶⁵

12 The Alaska Intertie Agreement priority reservation of capacity for AEA
13 project power supply contracts may be the type of impediment to competition that the
14 Legislature wanted removed under AS 44.83.710(b). This is an issue that will need to be
15 addressed in this docket. As the RTO's open access transmission tariff, including
16 grandfathering of the Alaska Intertie Agreement, may directly affect Aurora's ability to sell
17 energy to any utility other than GVEA, we find that authorizing Aurora to participate as a
18 party in this docket would be conducive to the ends of justice and we grant the Aurora
19 Petition.

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23 ⁶⁴Aurora Petition at 3.

24 ⁶⁵Article 16. Open Access Principles, The Second Amended and Restated Alaska
Intertie Agreement, (March 11, 2014),
25 [https://akenergyauthority.org/Portals/0/Programs/Railbelt%20Energy/Alaska%20Intertie/
2nd%20Amended%20AIA.PDF?ver=2019-07-25-100838-537](https://akenergyauthority.org/Portals/0/Programs/Railbelt%20Energy/Alaska%20Intertie/2nd%20Amended%20AIA.PDF?ver=2019-07-25-100838-537). We take official notice of
26 this document for the purposes of this order under 3 AAC 48.154(c).

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Alaska Wind

Alaska Wind specifically addressed each of the factors in 3 AAC 48.110(b) and states that its participation will not unduly broaden or delay the proceeding.⁶⁶ Alaska Wind identifies itself as:

... an independent power producer with two advanced-stage wind projects under development: Shovel Creek Wind near Fairbanks and Little Mount Susitna Wind near Anchorage. These projects represent some of the largest prospective additions of renewable generation in the Railbelt and are directly dependent on fair, open, and non-discriminatory access to the transmission system.⁶⁷

Andrew McDonnell of Alaska Renewables represented Alaska Wind at the prehearing conference.⁶⁸ In a presentation at our public meeting held February 26, 2025, Alaska Renewables represented that the Shovel Creek Wind Project is an 150 Megawatt (MW) wind generation project near Murphy Dome in the Fairbanks-North Star Borough, which will interconnect with the GVEA owned portion of the BTS at a new substation near the intersection of Murphy Dome Road and Goldstream Road or a new substation near Rosie Creek South of Ester. Alaska Renewables also represented that the Little Mount Susitna Wind Project is an approximately 200 MW wind generation project in the Matanuska-Susitna Borough west of the Susitna River which will interconnect with the Chugach owned BTS west of the Point MacKenzie Substations.⁶⁹ Alaska Renewables indicated that, given the size and generation profiles of these projects, it will require multiple utility off-takers.⁷⁰

⁶⁶Alaska Wind Petition at 2-4.

⁶⁷Alaska Wind Petition at 1.

⁶⁸Tr. 13-14.

⁶⁹February 26, 2025, Public Meeting Tr. 17, and the related Alaska Wind Update Power Point Presentation at 9-10.

⁷⁰February 26, 2025, Public Meeting Tr. 23.

1 For each of these remote locations, Alaska Wind will have to wheel over the
2 BTS for its energy to reach adequate load, and thus it will be directly impacted by the
3 terms and conditions of the RTO's tariff. For this reason, we find that authorizing Alaska
4 Wind to participate as a party in this docket would be conducive to the ends of justice and
5 we grant the Alaska Wind Petition.

6 Chugach

7 Chugach addressed each of the factors in 3 AAC 48.110(b) and states that
8 it will not broaden the issues under consideration in this docket and will not delay the
9 proceeding.⁷¹ Chugach identifies itself as:

10 Chugach is the largest electric utility on the Alaska Railbelt, owns significant
11 portions of the Railbelt Backbone Transmission System ("BTS"), is active in
12 the Railbelt Reliability Council ("RRC"). The rates, terms, and conditions of the
13 Railbelt Transmission Organization ("TRO") will directly and substantially
14 affect the interests and electric rates that Chugach charges to its customers.
15 Chugach has direct and substantial property and financial interests in the final
16 order in this docket.⁷²

17 TA1-8001 identifies Chugach as owning those segments of the BTS running north from
18 Quartz Creek Substation and Beluga to near Eagle River and Wasilla, including all
19 branches of the BTS within the Municipality of Anchorage south of Eagle River.⁷³

20 AS 44.83.710(c)(1) mandates a reallocation of BTS costs among the
21 Railbelt electric utilities, and Chugach is one of the Railbelt electric utilities. Therefore,
22 we find that authorizing Chugach to participate as a party in this docket would be
23 conducive to the ends of justice and we grant the Chugach Petition.

24 ⁷¹Chugach Petition at 2-4.

25 ⁷²Chugach Petition at 2.

26 ⁷³TA1-8001, Tariff Sheets 13-15.

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REAP

In its petition to intervene REAP has specifically addressed each of the factors in 3 AAC 48.110(b) and states that it will not broaden the scope of this proceeding beyond the issues the RTO raised in TA1-8001 and that it will not delay this proceeding.⁷⁴

REAP identifies itself as

... a non-profit organization incorporated under the Alaska Nonprofit Corporation Act, AS 10.20, and exempt under Section 501(c)(3) of the Internal Revenue Code. Founded in 2004, REAP's mission is to increase the development of renewable energy development and energy efficiency in Alaska. In those areas, REAP represents the interests of its more than 60 member organizations, including Alaska Native corporations, renewable energy project developers, consumer advocates, utilities, and other nonprofits. REAP is governed by a 21-seat board of directors which are elected to serve three-year terms by the members. REAP's member organizations include several direct and indirect ratepayers of various Railbelt utilities that are members of the Railbelt Transmission Organization (RTO). REAP is also an indirect Chugach Electric Association ratepayer with a direct financial interest in the outcome of this proceeding.⁷⁵ (internal citations omitted)

REAP states that:

REAP has been advocating for the reform of Railbelt wheeling charges for at least 15 years. As noted in REAP's comments above, the Commission's actions in this docket will have a direct bearing on REAP's mission, and the interests of its 60 member organizations, in promoting the development of renewable energy in Alaska. The subject matter of this proceeding is squarely on-point regarding REAP's mission. REAP has particular interest in insuring that inception rates that fulfil the requirements of AS 44.83.700-720 are established in a timely manner, consistent with statute.

REAP is an electricity consumer in Anchorage. Wheeling charges continue to serve as a break on Chugach Electric's ability to acquire cost-effective renewable energy from an IPP that is generated in a different utility service territory. Accordingly, REAP has a financial interest in this proceeding as an electricity consumer.⁷⁶

REAP participated in the complex Chugach tariff proceedings in Dockets U-23-047 and U-23-048. REAP has submitted substantive comments in a number of

⁷⁴REAP Petition at 5-8.

⁷⁵REAP Petition at 1-2.

⁷⁶REAP Petition at 5-6 (internal citations omitted)

1 other Commission proceedings. We find that REAP has a unique perspective on the
2 impacts of transmission wheeling charges on potential independent power producers in
3 the Railbelt that is relevant to this proceeding, and therefore, we find that authorizing
4 REAP to participate as a party in this docket would be conducive to the ends of justice,
5 and accordingly, we grant the REAP Petition.

6 IMC

7 The IMC filed its petition to intervene on September 5, 2025, eleven days
8 after the due date for petitions. The IMC identifies itself as being

9 ... responsible for the management, operation, maintenance, and
10 improvement of the Alaska Intertie Project (the "Intertie"), subject to the
11 nondelegable duties of the Alaska Energy Authority ("AEA"). The IMC exists
12 and operates pursuant to the terms of the Alaska Intertie Agreement. It is
13 comprised of Chugach Electric Association, Inc., Golden Valley Electric
14 Association, Inc., Matanuska Electric Association, Inc., (collectively, the
"Participants"), and the Alaska Energy Authority ("AEA"), who developed and
is the owner of the Intertie. The Participants and AEA established the IMC, and
it has primary responsibility for the governance, control, operation,
maintenance, repair, and improvement of the Intertie.⁷⁷

15 The IMC asserts that "[t]he Intertie, as a facility owned by AEA is not subject to the
16 jurisdiction of the RCA" and cites to AS 44.83.090(b) as authority for this assertion.⁷⁸ AS
17 44.83.090(b) states:

18 [AEA] is not subject to the jurisdiction of the Regulatory Commission of Alaska,
19 except as provided in AS 44.83.700(d). Nothing in this chapter, except as
20 provided in AS 44.83.700 — 44.83.720, grants the authority jurisdiction over
21 the services or rates of a public utility or diminishes or otherwise alters the
22 jurisdiction of the Regulatory Commission of Alaska with respect to a public
23 utility, including any right the commission may have to review and approve or
24 disapprove contracts for the purchase of electricity by a public utility other than
wholesale agreements and contracts described in AS 42.05.431(c)(1).

25 ⁷⁷IMC Petition at 2.

26 ⁷⁸IMC Petition at 3.

1 The Alaska Intertie Agreement is not exempt from Commission review and approval
2 under AS 42.05.431(c)(1). AS 44.83.700(d) states:

3 Notwithstanding AS 42.05.711(b) and AS 44.83.090(b), the transmission
4 organization is subject to the jurisdiction of the commission for the purposes
5 of AS 44.83.700 — 44.83.720. The commission shall require the transmission
organization to apply for a certificate under AS 42.05.221 and file tariffs to
achieve the purposes of AS 44.83.700 — 44.83.720.

6 AS 44.83.090(b) and AS 44.83.700(d) show clear legislative intent that the RTO, a part
7 of AEA, is subject to our jurisdiction for the purposes of AS 44.83.700 – 44.83.720. This
8 includes approving an RTO tariff that “removes impediments to competition in the
9 wholesale bulk power marketplace”⁷⁹

10 The IMC does not specifically address the factors listed in 3 AAC 48.110(b)
11 in its petition, nor has it filed a motion to accept late-filed petition, but it does state:

12 Because the Intertie’s transmission assets are covered by the RTO’s Open
13 Access Tariff filing and the proposed grandfathering of them, the IMC seeks
14 intervention for the limited purpose of ensuring those assets are treated
15 properly in the OATT proceedings. The IMC also notes that the RTO’s recent
filing accepted the numerous petitions for intervention already filed so long as
the issues will neither broaden nor delay the proceeding.

16 The IMC is a unique entity, meeting irregularly, and due to the summer
17 vacation schedule acknowledges it did not timely file this petition for
18 intervention, it being filed after the scheduled prehearing conference on
19 August 26, 2025. Due to the timing of the prehearing conference, the IMC was
20 unable to confer to authorize the filing of this petition. However, the RCA has
21 the authority to grant the petition to intervene, particularly when the IMC and
its facilities may be directly impacted by the Tariff and other rulings of the RCA.
22 In addition, the other parties cannot directly protect the IMC’s interests. The
23 nature of the ownership of the facilities, the history of that ownership, and the
24 agreements surrounding the Intertie all suggest that intervention by the IMC
will aid the RCA in its work as it investigates the proposed open access
transmission tariff to determine its reasonableness and propriety.

25 As the Commission noted in the Order, “... the Backbone Transmission
System defined by the RTO appears to include transmission assets owned by
26 AEA...” The Intertie is one of those assets, with a detailed and interrelated set
of agreements that have successfully allowed the Intertie to support
transmission along the railbelt. The IMC believes its limited participation will
assist the Commission, the RTO, and other parties as the scope of the OATT

⁷⁹AS 44.83.710(b).

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is being considered by all interested parties, and as such the IMC's participation meets the requirements of 3 AAC 48.110(b), and the IMC shows good cause for intervention.⁸⁰

In response to conditional opposition to intervention by the IMC by RAPA, the IMC agreed to follow the procedural schedule proposed at the prehearing conference and stated that it consented to extension of the final order timeline.⁸¹ This response appears to fully address RAPA's conditional objection.

The Alaska Intertie Agreement is one of the agreements the RTO proposes for grandfathering.⁸² As noted above, the open access clause of the Alaska Intertie Agreement is restricted to some degree, and this may be an impediment to competition that needs to be eliminated under AS 44.83.710(b). To our knowledge, there are no Alaska Intertie bond covenants complicating revisions to the Alaska Intertie Agreement, and revisions to that agreement may be one outcome of this proceeding. The IMC's untimely filing of its petition to intervene causes us concern. However, we believe that the IMC may be the entity most knowledgeable about the Alaska Intertie Agreement and the impacts of potential revisions to that agreement. Therefore, we find that authorizing the IMC to participate as a party in this docket would be conducive to the ends of justice and we grant the IMC Petition.

⁸⁰IMC Petition at 3-4
⁸¹IMC Reply
⁸²TA1-8001 at Tariff Sheet 86, Agreement No. 6.

ORDER

1
2 1. The *Renewable Energy Alaska Project's Motion to Accept Late Filing*
3 *for Its Petition to Intervene*, filed August 26, 2025, is granted.

4 2. The *Bradley Lake Project Management Committee's Petition to*
5 *Intervene*, filed August 25, 2025, is granted.

6 3. The *Seward Electric System's Petition to Intervene*, filed August 25,
7 2025, is granted.

8 4. The *Railbelt Reliability Council's Petition to Intervene*, filed August
9 25, 2025, is granted.

10 5. The *Petition for Permission to Intervene of Alaska Energy Authority*,
11 filed August 25, 2025, is granted.

12 6. The *Alaska Public Interest Research Group's Petition to Intervene*,
13 filed August 25, 2025, is granted.

14 7. The *Homer Electric Association, Inc.'s Petition to Intervene*, filed
15 August 25, 2025, is granted.

16 8. The *Petition to Intervene of Matanuska Electric Association, Inc.*,
17 filed August 25, 2025, is granted.

18 9. The *Golden Valley Electric Association, Inc.'s Petition to Intervene*,
19 filed August 25, 2025, is granted.

20 10. The *Petition to Intervene of Aurora Energy, LLC*, filed August 25,
21 2025, is granted.

22 11. The *Alaska Wind Holdings Comments and Petition to Intervene*, filed
23 August 25, 2025, is granted.

24 12. The *Chugach Electric Association, Inc.'s Petition to Intervene*, filed
25 August 25, 2025, is granted.

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13. The *Renewable Energy Alaska Project's Comments and Petition to Intervene*, filed August 26, 2025, is granted.

14. The *Intertie Management Committee's Petition to Intervene*, filed September 5, 2025, is granted.

DATED AND EFFECTIVE at Anchorage, Alaska, this 8th day of October, 2025.

BY DIRECTION OF THE COMMISSION



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