UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Public Utility District No. 1 of Okanogan County,   Project No.   12569-018
Washington

(Issued December 19, 2019)

GLICK, Commissioner, *dissenting in part*:

1.   I dissent in part from today's order because I disagree with the Commission's decision to deny the motions to intervene filed by American Whitewater, Center for Environmental Law and Policy, Columbiana, and Sierra Club (Conservation Groups). As I have previously explained,[1] I do not think it is appropriate for the Commission to deny an entity party status—and the rights that come with it[2] —simply because the Commission is bothered by the need to address their comments. In a proceeding such as this one, if we disagree with commenters' arguments, we should so say on the record rather than keeping them out of the proceeding altogether. That is especially so where the Commission has persuasive responses on the merits, as it does here in response to the Conservation Groups' arguments regarding the disposition of the Enloe Dam and associated facilities. At the end of the day, I simply do not see what public purpose is served by restricting participation in Commission proceedings, especially when the Commission proceeds to address the would-be intervenors' comments all the same.

        For these reasons, I respectfully dissent in part.

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Richard Glick
Commissioner

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        [1] *Eagle Crest Energy Co.*, 168 FERC ¶ 61,186 (2019) (Glick. Comm'r, dissenting).

        [2] In order to seek rehearing or judicial review on the merits, it is necessary to be a party to the underlying proceeding. *See* 16 U.S.C. § 825l(b) (2018) (providing that "[a]ny party to a proceeding" may appeal the Commission's order in that proceeding); *Cal. Trout v. FERC*, 572 F.3d 1003, 1013 n.7 (9th Cir. 2009); *N. Colo. Water Conservancy Dist. v. FERC*, 730 F.2d 1509, 1515 (D.C. Cir. 1984) (a non-party must be considered a party only "for the limited purpose of reviewing the agency's basis for denying party status").