

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1081

In the Matter of the)	
)	
PUBLIC UTILITY COMMISSION OF)	REPLY TO RESPONSE TO MOTION TO MODIFY PROCEDURAL SCHEDULE
OREGON STAFF's)	
)	
Investigation Into Direct Access Issues for)	
Industrial and Commercial Customers under)	
SB 1149.)	
_____)	

In Reply to PacifiCorp's Response to Motion to Modify Procedural Schedule, the Industrial Customers of Northwest Utilities ("ICNU") wishes to briefly respond to the arguments made by PacifiCorp. PacifiCorp opposes ICNU's request to modify the procedural schedule on two grounds. First, PacifiCorp argues that its witnesses are unavailable on the alternative dates that have been suggested for hearing. Second, it states that it needs a decision by early September to implement the results in the November direct access election window. Under the circumstances, neither reason justifies denying ICNU's Motion.

PacifiCorp notes that direct access participation among PacifiCorp's customers has been low; however, a more accurate statement would be that participation has been non-existent. In contrast to PGE's program, not a single PacifiCorp customer has purchased power from an Energy Service Supplier through direct access. ICNU believes that PacifiCorp's transition methodology is the most significant reason for the failure of direct access on PacifiCorp's system. In addition, both ICNU and the Energy

Service Suppliers believe that direct access will be uneconomic under the proposals made by Staff and PacifiCorp in their testimony. This is a case where the Commission should take the time to fully develop a record in order to obtain the right decision. There is no need to rush to implement an uneconomic transition mechanism for a largely academic direct access offering in November.

ICNU also questions why PacifiCorp needs two and a half months to implement a result in this case. Under any of the proposals made in this case, the result could be implemented through relatively minor revisions to PacifiCorp's Schedule 294 and the rate calculator. This could be accomplished in a matter of weeks, not months.

Finally, PacifiCorp's commitment to provide data responses by June 30, the day before the hearing, is unacceptable. This simply is not enough time to effectively use the information at hearing, and it provides no time to conduct additional discovery.

ICNU respectfully requests that the hearing set for July 1 be cancelled so that a thorough record can be developed in this case.

Dated this 28th day of June, 2004.

Respectfully submitted,

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SCHEDULE

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