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July 2, 2004

Via Facsimile, Electronically, and U.S. Mail

Hon. Kathryn A. Logan
Administrative Law Judge
Oregon Public Utility Commission
550 Capitol Street, N.E.
Salem, OR 97310

Re: UM 1121 – Stipulation Regarding Discovery Issues

Dear Judge Logan:

This letter is in regard to the Stipulation entered into by the Industrial Customers of Northwest Utilities (“ICNU”) and Portland General Electric Company (“PGE” or the “Company”) on July 2, 2004, in which ICNU and PGE agreed to a process to resolve certain issues related to the Company’s response to ICNU data request (“DR”) 5.1.^{1/} Pursuant to that Stipulation, ICNU respectfully requests that you review the materials provided to you by PGE in order to determine the following:

1. Whether information redacted by PGE is properly non-responsive to ICNU DR 5.1;
2. Whether material (including some redacted material) is properly protected by Attorney Client, Attorney Work Product or Joint Defense privileges; and
3. Whether material designated confidential by PGE is properly confidential under the Protective Order, Order 04-139.

^{1/} ICNU sent DR 5.1 to PGE on June 10, 2004, requesting “copies of all e-mail and other communications regarding the proposed transaction that was sent to or from Peggy Fowler since July 1, 2002.” Prior to entering into the Stipulation, ICNU and PGE conferred regarding ICNU’s objections but were unable to reach agreement.

ICNU objects to only certain of the redactions in the documents that were provided by PGE in response to DR 5.1. The redactions to which ICNU objects are marked with the following bates numbers in the materials provided to you:

- | | |
|------------------|---------------|
| 1. b. 202914-916 | 12. b. 203193 |
| 2. b. 202917 | 13. b. 203211 |
| 3. b. 202945 | 14. b. 203214 |
| 4. b. 202946 | 15. b. 203221 |
| 5. b. 203067 | 16. b. 203226 |
| 6. b. 203070 | 17. b. 203227 |
| 7. b. 203163-167 | 18. b. 203230 |
| 8. b. 203181 | 19. b. 203253 |
| 9. b. 203182 | 20. b. 203271 |
| 10. b. 203186 | 21. b. 203285 |
| 11. b. 203187 | 22. b. 203286 |

ICNU requests that you review these pages to determine whether the information was properly redacted as non-responsive or protected by Attorney Client, Attorney Work Product or Joint Defense privileges.

ICNU also objects to PGE withholding certain documents from its response to DR 5.1. Attached is a privilege log identifying all of the documents that PGE withheld PGE from its response to DR 5.1. I have highlighted the documents in the privilege log that ICNU objects to PGE withholding. ICNU requests that you review the highlighted documents to determine whether they have been properly identified as non-responsive to DR 5.1 or protected by Attorney Client, Attorney Work Product or Joint Defense privileges.

Finally, ICNU objects to the confidential designation of all documents provided in response to DR 5.1 with the exception of those marked with bates numbers: 1) 202980 – 203010; 2) 203013 – 203038; and 3) 203039 – 203066. ICNU requests that you review the documents to which ICNU objects to determine whether they have properly been designated as confidential under the Protective Order in this Docket.

As the Stipulation indicates, ICNU will file a brief in support of these requests on July 6, 2004. Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely yours,

/s/ Melinda J. Davison
Melinda J. Davison

cc: Jay Dudley
Service list (via email without attachment)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Letter to ALJ Logan related to a Stipulation Regarding Discovery Issues on behalf of the Industrial Customers of Northwest Utilities upon the parties, shown below, on the official service list for Docket No. UM 1121, by causing the same to be electronically served on all parties whom have an email address on the official service list, and by U.S. Mail, postage-prepaid, to those parties who do not have an email address on the official service list.

Dated at Portland, Oregon, this 2nd day of July, 2004.

/s/ Ruth A. Miller

Ruth A. Miller

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