

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1209

In the Matter of	)	
	)	
MIDAMERICAN ENERGY HOLDINGS COMPANY	)	<b>HOOPA VALLEY TRIBE'S RESPONSE TO BENCH REQUEST RE STIPULATION</b>
	)	
Application for Authorization to Acquire Pacific Power & Light, dba PacifiCorp	)	
_____	)	

The Hoopa Valley Tribe (the "Tribe") hereby submits this response to the bench request issued by the Oregon Public Utility Commission on January 18, 2006.

A. Issues Raised.

The Opening Comments and Testimony of the Hoopa Valley Tribe documented harm to Oregon's historic anadromous fish runs caused by operations of PacifiCorp's Klamath Hydroelectric Project and the significant infrastructure investment that will be required of PacifiCorp when FERC issues a new license for the hydroelectric project in 2007. The Tribe requested that the Commission not approve the acquisition without, at minimum, an express condition requiring MEHC to acknowledge its awareness of and to guarantee, or act as a financial surety for, PacifiCorp's legal and financial obligations that arise from the new license.

B. Measures In Stipulation That Eliminate or Reduce The Identified Harms.

Oregon Commitment O-29 states:

O 29. MEHC and PacifiCorp agree that once a FERC license is issued and (a) PacifiCorp either (i) affirmatively accepts the license, or (ii) is deemed to have accepted the license pursuant to the terms of the license and FERC rules and procedures, and (b) the license's conditions are not subject to further appeals, PacifiCorp shall have the ability to fund implementation of all final license conditions. This provision is generally applicable, but also specifically applies to the following PacifiCorp hydropower projects: Klamath, Lewis River, and Prospect.

Commitment O-29 is a firm commitment by PacifiCorp and MEHC that PacifiCorp will have sufficient funds to implement all final FERC license conditions in a timely manner. This condition, which is an acknowledgement by the regulated utility that it will have adequate capitalization to meet its upcoming legal obligations, is within the Commission's jurisdiction.

C. Basis for Supporting Stipulation and Concluding Transaction Is In Public Interest.

The Tribe's concerns are mitigated in part by Commitment O-29 because that commitment is a promise by MEHC and PacifiCorp that PacifiCorp will have adequate funds to meet its legal obligations when the FERC license becomes final. Given the relatively narrow scope of the Oregon Public Utility Commission's jurisdiction over issues relating to the Klamath Hydroelectric Project in this proceeding, the Tribe believes Commitment O-29 is fair and justifies the Tribe's support of the stipulation and approval of MEHC's acquisition of PacifiCorp.

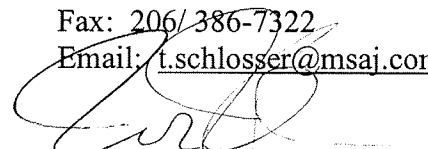
Respectfully submitted this 2nd day of February, 2006.

MORISSET, SCHLOSSER, JOZWIAK & MCGAW



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**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on February 2, 2006, in addition to electronic filing, I mailed the original and one copy of Hoopa Valley Tribe's Response to Bench Request Re Stipulation, via

***First-Class Mail*** to:

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I further certify that I electronically mailed a copy of the foregoing document to:

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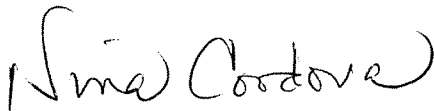
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I declare the above to be true and correct under penalty of perjury. Executed February 2,  
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