

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **UE 199**

4 In the Matter of:

5 PACIFICORP, dba PACIFIC POWER  
6 2009 Transition Adjustment Mechanism  
7 Schedule 200, Cost-Based Supply  
Service

**PACIFICORP'S MOTION FOR WAIVER  
OF OAR 860-038-0275(1) AND  
SUBMISSION OF AMENDED  
STIPULATION**

**EXPEDITED CONSIDERATION  
REQUESTED**

8 Pursuant to OAR 860-013-0031, PacifiCorp d/b/a Pacific Power ("PacifiCorp" or  
9 the "Company") files this Motion for Waiver of OAR 860-038-0275(1) ("Motion") and  
10 Submission of Amended Stipulation to the Public Utility Commission of Oregon  
11 ("Commission"). PacifiCorp makes this filing on behalf of the other parties in this  
12 proceeding—Commission Staff, the Citizens' Utility Board ("CUB"), the Industrial  
13 Customers of Northwest Utilities ("ICNU"), and Sempra Energy Solutions LLC ("Sempra")  
14 (together with PacifiCorp, the "Parties").

15 **I. Motion for Waiver of OAR 860-038-0275(1).**

16 The Parties request expedited consideration of the Motion and the issuance of a  
17 ruling on the Motion on or before October 31, 2008, to allow the Company to update, print,  
18 and mail direct access information to its approximate 90,000 eligible customers by  
19 Monday, November 10, 2008.

20 On October 24, 2008, ALJ Patrick Power issued a Notice to the Parties in this case  
21 and in UE 200 that the Commission may not issue a decision in these proceedings before  
22 mid-November. The schedules in these cases had contemplated a Commission decision  
23 by November 1, 2008. These schedules were tailored to permit calculation of the annual  
24 Transition Adjustment prior to the 2009 direct access election period. OAR 860-038-  
25 0275(1) sets the schedule for this election period: "[o]n November 15 of each year . . . ,  
26

1 each electric company must announce the prices to be charged for electricity services in  
 2 the next calendar year.” In order to facilitate direct access, a date certain for a  
 3 Commission decision in these cases is requested.

4 The Commission’s October 24, 2008 Notice provides that PacifiCorp may request  
 5 a waiver of OAR 860-038-0275 to change the date of the direct access election period as  
 6 necessary. As set forth below, a delay in the issuance of the Order in UE 199 and UE 200  
 7 does necessitate a change in the direct access election period schedule and a waiver of  
 8 OAR 860-038-0275.

9 The procedures for the PacifiCorp’s direct access election period include the  
 10 following key steps: (1) pre-election period mailing to customers eligible for direct access;  
 11 (2) publication of the Transition Adjustment through posting of indicative prices at least five  
 12 days prior to the election period, ORS 757.609(2), OAR 860-038-0275(3); (3) an election  
 13 period beginning on November 15, OAR 860-038-0275(1); (4) an election period of at  
 14 least 5 days, OAR 860-038-0275(2); and (5) customer submission of a Direct Access  
 15 Service Request to PacifiCorp by December 12, Tariff Rule 21, page 7.

16 The Parties have calculated an alternative 2009 direct access election period  
 17 schedule using the latest dates possible to accommodate direct access election:

Key Step	Previous Date	New Date
Pre-election mailing to customers eligible for direct access	Week of October 27	On or by November 10
Commission Order in UE 199	By November 1	By November 14
Indicative Price Filing	November 7 (at least five business days prior to the election period)	November 21
Final Price Filing	November 14	December 2
Election period	November 17–24 (one-year option) November 17–December 3 (three-year option)	December 2–9 (both one- and three-year options)
Customer submission of a Direct Access Service Request to PacifiCorp	December 12	December 12

1 To facilitate this schedule, PacifiCorp asks the Commission to: (1) issue an order  
2 on this Motion by October 31, 2008 to permit the pre-election customer mailing to proceed;  
3 (2) issue its Order in UE 199 by November 14, 2008; and (3) waive OAR 860-038-0275(1)  
4 and approve the proposed alternative schedule for the 2009 direct access election period.  
5 By copy of this filing, the Company will notify all registered Electric Service Suppliers of  
6 the proposed revisions to the direct access election period.

7 **II. Submission of Amended Stipulation.**

8 With this Motion, the Parties are also submitting an Amended Stipulation (in red-  
9 lined and clean format). The amendments to the Stipulation conform to the alternative  
10 schedule for the 2009 direct access election period proposed in the Motion and are  
11 submitted conditionally, based upon the Commission granting the Motion. Specifically, the  
12 Parties agreed to the following changes to Section 12 of the Stipulation:<sup>1</sup>

- 13 • Section 12(a): The Company will update its net power costs ("NPC") on  
14 November 21, 2008 (previously November 7, 2008) for only: (1) the  
15 November 4, 2008 (previously September 30, 2008) forward price curve; and  
16 (2) contracts executed on or before November 14, 2008 (previously  
17 November 1, 2008).
- 18 • Section 12(b): The Company will update its NPC on December 2, 2008  
19 (previously November 14, 2008) using the forward price curve for electricity  
20 and natural gas prices developed on November 17, 2008 (previously  
21 November 4, 2008).
- 22 • Section 12(c): The Parties reserve their rights to challenge the forward price  
23 curve for electricity and natural gas developed on November 17, 2008  
24 (previously November 4, 2008).

25


26 <sup>1</sup> Other changes in the Stipulation and accompanying Exhibits A and B were made simply to reflect these date changes.

1           Because these changes are ministerial in nature, and to expedite the decision-  
2 making process in this case, the Parties request that the Commission incorporate these  
3 amendments into the fully executed Stipulation previously filed with the Commission  
4 without requiring new signature pages from the Parties.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED: October 29, 2008.

MCDOWELL & RACKNER PC

  
\_\_\_\_\_  
Katherine McDowell  
Amie Jamieson

Attorneys for PacifiCorp

# McDowell & Rackner PC



AMIE JAMIESON  
Direct (503) 595-3927  
amie@mcd-law.com

October 29, 2008

## VIA ELECTRONIC FILING AND U.S. MAIL

PUC Filing Center  
Public Utility Commission of Oregon  
PO Box 2148  
Salem, OR 97308-2148

**Re: Docket UE 199**

Enclosed for filing in the above-referenced docket are an original and one copy of Pacificorp's Motion for Waiver of OAR 860-038-0275(1) and Submission of Amended Stipulation, Expedited Consideration Requested, and an original and five copies of the parties' Amended Stipulation, in redline and clean format. A copy of this filing has been served on all parties to these proceedings as indicated on the attached service list.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amie Jamieson".

Amie Jamieson

Enclosure

cc: UE 199 Service List

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing document in Dockets UE 199 on the following named person(s) on the date indicated below by email and first-class mail addressed to said person(s) at his or her last-known address(es) indicated below.

CUB – OPUC Dockets  
Dockets@OregonCUB.org

Robert Jenks  
Citizens' Utility Board  
bob@oregoncub.org

Kelcey Brown  
P.O. Box 2148  
Salem, OR 97301  
kelcey.brown@state.or.us

Jason Jones  
Assistant Attorney General  
1162 Court St. NW  
Salem, OR 97301-4096  
Jason.w.jones@state.or.us

Randall Falkenberg  
RFI Consulting, Inc.  
PMB 362  
8343 Roswell Road  
Sandy Springs, GA 30350  
consultrfi@aol.com

Irion Sanger  
Davison Van Cleve PC  
333 SW Taylor, Suite 400  
Portland, OR 97204  
ias@dvclaw.com

Ryan Flynn  
PacifiCorp  
ryan.flynn@pacificorp.com

Kevin Higgins  
Energy Strategies LLC  
khiggins@energystrat.com

Wong, Siu Kee  
PacifiCorp  
Siu.Wong@PacifiCorp.com


Oregon Dockets  
PacifiCorp  
oregondockets@pacificorp.com

Peter J. Richardson  
Richardson & O'Leary  
peter@richardsonandoleary.com

Greg Bass  
Sempra Energy Solutions LLC  
gbass@semprasolutions.com

Alvin Pak  
Sempra Energy Solutions LLC  
apak@semprasolutions.com

DATED: October 29, 2008

  
\_\_\_\_\_  
Amie Jamieson  
Of Attorneys for PacifiCorp