



Pacific Power | Utah Power
Rocky Mountain Power
825 NE Multnomah
Portland, Oregon 97232

March 30, 2009

***VIA ELECTRONIC FILING
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission
550 Capitol Street NE, Ste 215
Salem, OR 97301-2551

Attention: Filing Center

RE: Docket UA 143 – PacifiCorp’s Petition to Intervene, Motion to Dismiss and Request for Hearing

Enclosed for filing by PacifiCorp dba Pacific Power is a Petition to Intervene, Motion to Dismiss and Request for Hearing in the above-referenced proceeding

Questions with respect to this filing may be directed to Joelle Steward at (503) 813-5542.

Very truly yours,

Andrea L. Kelly
Vice President, Regulation

Enclosures

Cc: Service list – UA 143

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UA 143

In the Matter of

WASCO ELECTRIC COOPERATIVE,
INC.

Application for Allocation of Exclusive
Service Territory

Petition to Intervene, Motion to Dismiss.
Request for Hearing and **Waiver of
Paper Service** of Pacific Power

1 Pursuant to ORS 756.525 and OAR 860-012-0001, PacifiCorp, d.b.a. Pacific
2 Power (“Company”), respectfully petitions to intervene in this proceeding. Pursuant to
3 OAR 860-013-0070(4), the Company respectfully waives paper service in this docket. In
4 support of this Petition, the Company states:

5 1. The Company is an electric public utility in the state of Oregon and is subject to
6 the jurisdiction of the Public Utility Commission of Oregon (“Commission”).

7 2. The name and address of the Company are:

8 PacifiCorp
9 825 NE Multnomah Street
10 Portland, OR 97232

11 Communications concerning this proceeding should be addressed to:

PacifiCorp Oregon Dockets
825 NE Multnomah Street, Ste 2000
Portland, OR 97232
OregonDockets@pacificorp.com

Michelle Mishoe
Legal Counsel
Pacific Power
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Portland, OR 97232
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12 3. On February 4, 2009, Wasco Electric Cooperative, Inc. (“WEC”) filed an
13 application for exclusive service territory for an unallocated section of Sherman County,
14 Oregon known as “Hay Canyon”. WEC’s application states that no other electric utility

1 provides service in the unallocated territory for which it seeks allocation in this docket.
2 The application also contains assertions regarding the Company's facilities in the Hay
3 Canyon area, as well as the capabilities of those facilities.

4 4. On January 16, 2009, the Company filed an application for exclusive service
5 territory essentially requesting the identical territory that is the subject of WEC's
6 petition.¹ In this application, the Company stated it provides service to four residential
7 and/or agricultural customers in the area and is constructing new facilities in the area to
8 provide station service to provide service to a wind farm belonging to Iberdrola
9 Renewables.² Subsequently, the Bonneville Power Administration notified the Company
10 of its ability to deliver power and energy for Iberdrola's wind farm located in the Hay
11 Canyon area to allow both the Company and WEC to provide service to the wind farm.
12 The Company voluntarily withdrew its application in hopes of starting a dialogue with
13 WEC regarding service in the area. WEC filed its application before the Company could
14 begin the dialogue.

15 5. WEC's application contains assertions and alleged facts directly related to the
16 Company and its operations in the Hay Canyon area, some of which the Company
17 intends to dispute. The Company's participation will assist the Commission in resolving
18 the issues before it. The Company will not unreasonably broaden the issues, burden the
19 record, or unreasonably delay the proceedings. No other party can adequately represent
20 the Company's interests in this proceeding.

¹ See In the Matter of PACIFICORP, dba PACIFIC POWER Application for Exclusive Service Territory, Docket No. UA 141.

² Id.

1 **MOTION TO DISMISS**

2 Pursuant to OAR 860-013-0031, the Company moves to dismiss WEC’s
3 application for exclusive service territory. In support of this motion, the Company states:

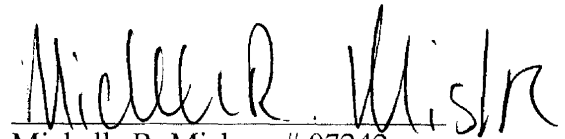
4 6. ORS 758.450(1) states “Territory served by more than one person providing
5 similar utility service may only become an allocated territory by a contract approved by
6 the Public Utility Commission.” WEC provides service to two customers in the requested
7 territory; the Company provides service to four. Additionally, both entities are prepared
8 to provide service to Iberdrola’s wind farm in the area. The statute provides one remedy
9 for allocating service territory where more than one entity provides service in an area,
10 and that is by contract approved by the Commission. The Commission should dismiss the
11 instant application because it is the improper vehicle for service territory allocation in this
12 situation. Dismissal would also allow WEC and the Company to work together to reach a
13 mutually acceptable service territory arrangement for the Hay Canyon area to present to
14 the Commission at a later date, and would conserve administrative resources.

15 7. In the event the Commission allows this docket to continue, the Company
16 requests that a hearing be held on WEC’s application, pursuant to the notices issued
17 February 13, 2009. Concurrent with this Petition to Intervene and Motion to Dismiss, the
18 Company is filing a motion to reopen Docket No. UA 141, the Company’s application for
19 the identical service territory being sought by WEC. The Company is doing so as one
20 measure to preserve its interest in obtaining the service territory at issue. If the
21 Company’s motion is denied, the Company intends to file an amended application for the
22 same Hay Canyon area service territory.

1 WHEREFORE, the Company respectfully requests that the Commission grant this
2 Petition to Intervene and Motion to Dismiss, or in the alternative, set the matter for
3 hearing.

DATED: March 30, 2009

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle R. Mishoe". The signature is written in a cursive style with a horizontal line underneath the name.

Michelle R. Mishoe, # 07242

Legal Counsel

Pacific Power

CERTIFICATE OF SERVICE

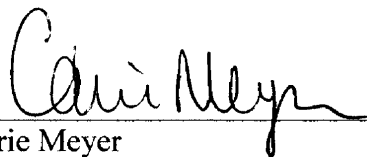
I hereby certify that on this 30th day of March, 2009, I caused to be served, via E-Mail and US Mail (to those parties who have not waived paper service), a true and correct copy of the foregoing document on the following named person(s) at his or her last-known address(es) indicated below.

SERVICE LIST

UA-143

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