

McDowell & Rackner PC



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May 14, 2009

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 210

Enclosed for filing in the above docket are an original and one copy of PacifiCorp's Comments on Staff's Proposed Information Requests. A copy of this filing has been served on all parties to this proceeding as indicated on the attached Certificate of Service.

Very truly yours,

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

Amie Jamieson

cc: UE 210 Service List
ALJ Hardie
ALJ Wallace

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document in Docket UE 210 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.

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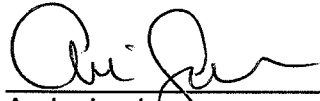
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DATED: May 14, 2009



Amie Jamieson
Of Attorneys for PacifiCorp

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

3 **UE 210**

4 In the Matter of PacifiCorp d/b/a Pacific
5 Power's Request for a General Rate
6 Increase in the Company's Oregon
 Annual Revenues

**PACIFICORP'S COMMENTS ON STAFF'S
PROPOSED INFORMATION REQUESTS**

7 **I. INTRODUCTION**

8 At the Prehearing Conference on April 21, 2009, Administrative Law Judges ("ALJ")
9 Wallace and Hardie established a schedule in this proceeding that included an opportunity for
10 parties to request that the ALJs issue a ruling requesting specific further evidence from
11 PacifiCorp. On May 12, 2009, Staff filed its Proposed Information Requests ("Staff's
12 Requests"). The schedule provides that the ALJs will issue such a ruling on May 15, 2009, if
13 the Public Utility Commission of Oregon ("Commission") believes that PacifiCorp's direct
14 testimony should be supplemented.

15 This proceeding is the first general rate case in which the Commission has
16 implemented such a procedure. PacifiCorp respectfully submits these Comments on Staff's
17 Requests to provide recommendations that will make this new procedure one that adds
18 efficiency to the rate case, rather than one that makes the proceeding ineffective or more
19 burdensome.

20 **II. DISCUSSION**

21 **A. PacifiCorp Objects to Staff's Assertion that PacifiCorp's Initial Filing Lacks**
22 **Necessary Evidence.**

23 Staff states that the testimony and exhibits described in Staff's Requests "should have
24 been included with [the Company's] original filing." *Re PacifiCorp Request for a General Rate*
25 *Revision*, Docket UE 210, Staff Proposed Information Requests at 1 (May 12, 2009). At the
26 Prehearing Conference on April 21, 2009, ALJs Wallace and Hardie clarified that the purpose

1 of any potential ruling requesting specific further evidence is not to address the sufficiency of
2 the initial filing or to expressly or implicitly establish initial rate case filing requirements.
3 Instead, the purpose is to require PacifiCorp to file testimony on issues of particular concern to
4 Staff and intervenors, and to further develop the record on those issues. To the extent Staff's
5 Proposed Requests constitute a request that the Commission find PacifiCorp's initial filing to
6 have been insufficient absent Staff's requested evidence, PacifiCorp objects to Staff's request.
7 PacifiCorp also requests that the ruling clarify its purpose and limit its precedential effect.

8
9 **B. PacifiCorp Requests that the ALJs' Ruling Clarify that Technical Information and
Workpapers Are More Appropriately Provided in Discovery.**

10 PacifiCorp recommends that the ALJs clarify in their ruling that technical information
11 and workpapers are more appropriately obtained through discovery rather than through
12 supplemental testimony. The appropriate subject for supplemental testimony includes more
13 summary discussions of Company positions, analytics, and data.

14 Staff requests that PacifiCorp provide supplemental testimony on technical
15 information, such as a discussion of how monthly coincidental peak loads (12CP) have
16 changed by jurisdiction. Staff's Requests at 2. Staff also requests supporting workpapers,
17 such as support for Tab 17.4 of Exhibit/907. Staff's Requests at 4. The technical nature of
18 Staff's request is highlighted by the fact that on May 13, 2009,¹ Staff served the Company with
19 data requests requesting some of the same information included in Staff's Requests (see
20 attached Data Requests 242-245). If the ALJs grant all of Staff's most detailed Requests, the
21 Company will be in a position of responding to those data requests while drafting testimony on
22 the same requests. The rate case will not be made more efficient by requiring the Company
23 to duplicate efforts.

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25 _____
26 ¹ Staff's Data Requests are dated May 12, 2009, but PacifiCorp received them on May 13, 2009.

1 The Company believes that the data request process is the most efficient way to
2 handle the specific technical information described in Staff's Requests. First, Staff and
3 intervenors will obtain the requested information more quickly if Staff's Requests are treated
4 as data requests. Second, the hearings process allows Staff and intervenors to request that
5 PacifiCorp's data responses be entered into the record as evidence. The process therefore
6 allows the parties to create a comprehensive evidentiary record without burdening the record
7 with specific, technical information and workpapers that may or may not be relevant to
8 whether the rates proposed by PacifiCorp are just and reasonable.

9 Finally, Staff requests that the ruling "clarify that supplemental testimony does not
10 release PacifiCorp from their data response obligations." Staff's Requests at 1. PacifiCorp
11 has been responding to Staff's data requests on a timely and thorough basis and will continue
12 to do so. The requested clarification is unnecessary.

13 **C. Staff's Requests Include Information that is Irrelevant to the Current Rate Case.**

14 Staff requests that PacifiCorp be required to provide testimony and exhibits on
15 jurisdictional allocation and load forecast issues from 2005 through the forecast test period.
16 PacifiCorp objects to Staff's request for testimony and exhibits relating to data from the time
17 period prior to the Commission's decision in the Company's last rate case, UE 179, in 2006,
18 because that information was already used to set rates. Requiring PacifiCorp to include such
19 information in its supplemental testimony creates difficult procedural questions about how
20 PacifiCorp may object to the admission of its own supplemental testimony for relevance.

21 PacifiCorp does not dispute, however, that pre-UE 179 data on jurisdictional
22 allocations and loads is an appropriate subject of discovery. If such issues are covered in
23 data requests, not supplemental testimony, PacifiCorp may more easily preserve its
24 objections to the admission of such evidence into the record.

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III. CONCLUSION

PacifiCorp respectfully requests that the ALJs adopt a ruling incorporating the Company's recommendations described in these Comments.

DATED: May 14, 2009.

McDOWELL & RACKNER PC



Katherine McDowell
Attorney for PacifiCorp

PACIFICORP

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Portland, OR 97232-2135



Oregon

Theodore R. Kulongoski, Governor

Public Utility Commission

550 Capitol Street NE, Suite 215

Mailing Address: PO Box 2148

Salem, OR 97308-2148

Consumer Services

1-800-522-2404

Local: 503-378-6600

Administrative Services

503-373-7394

May 12, 2009

Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 200
Portland, OR 97232

RE:	<u>Docket No.</u>	<u>Staff Request No.</u>	<u>Response Due By</u>
	UE 210	DR 242 – 245	May 27, 2009

Please provide responses to the following request for information. Contact the undersigned before the response due date noted above if the request is unclear or if you need more time.

242. Please provide the 2010 test year system 12 CP projections broken down by jurisdiction. Indicate each jurisdiction's MW's at the times of the peaks as well as the hour of the day and the day of the month at which each monthly system coincident peak occurred.
243. Please provide for the 2010 test year each Oregon customer schedule's contribution to each of the Oregon jurisdiction's portions of the twelve months' system coincident peaks.
244. Please provide the worksheets necessary to support fully the load factors shown in Tab 17.4 of Exhibit PPL/907, 17.Cust. Data.
245. Please provide for the 2010 test year, and for each customer schedule, the gross quantities (i.e., inclusive of line losses) of energy consumed during the hours in which simple-cycle CTs are expected to operate, and, separately, the gross quantities of energy consumed during the hours in which neither the simple-cycle CT's nor combined-cycle CT's are expected to operate.

Please provide an original and one complete copy of your response to the attention of Vikie Bailey-Goggins, PO Box 2148, Salem, OR 97308-2148, or 550 Capitol St NE Ste 215, Salem, OR 97301-2551; (puc.datarequests@state.or.us) and one complete copy to the attention of counsel for PUC Staff, Jason W. Jones, Department of Justice, 1162 Court St NE, Salem, OR 97301-4096 (jason.w.jones@state.or.us).

