

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UE 210

In the Matter of)
) KLAMATH WATER USERS
PACIFICORP, dba PACIFIC POWER) ASSOCIATION NOTICE OF INTENT TO
) REQUEST AN ISSUE FUND GRANT
Request for a General Rate Revision.)
)
)

The Klamath Water Users Association (“KWUA”) files this Notice of Intent to Request an Issue Fund Grant in the above-captioned docket, UE-210, pursuant to OAR § 860-012-0100 and Section 6.2 of the First Amended and Restated Intervenor Funding Agreement (“IFA”).

KWUA submits this Notice of Intent to notify the Oregon Public Utility Commission (“Commission”), pre-certified organizations and intervenors in UE-210 that KWUA will request intervenor funding for this proceeding.

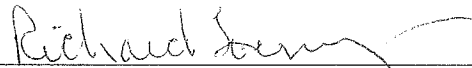
1. On April 2, 2009, PacifiCorp dba Pacific Power (“PacifiCorp”) filed a general rate case with the Commission seeking an annual revenue increase of 9.1%. PacifiCorp specifically seeks to increase its Schedule 41 rates for irrigation customers by 17.5%. This rate case has been docketed by the Commission as UE-210.

2. UE-210 is an Eligible Proceeding under the IFA. Section 1(c) of the IFA defines an “Eligible Proceeding” as “any commission proceeding that directly affects one or more of the Participating Public Utilities.” IFA Section 1(c). Docket No. UE-210 will directly affect PacifiCorp. PacifiCorp is a Participating Public Utility under Section 1(k) of the IFA. Therefore, UE-210 is an Eligible Proceeding for which an Issue Fund Grant may be made pursuant to Section 6.1 of the IFA.

3. KWUA identifies the PacifiCorp Issue Fund as the account from which KWUA intends to request an Issue Fund Grant.

Dated in Portland, Oregon, this 21st day of April, 2009.

Respectfully submitted,



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Of Attorneys for
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CERTIFICATE OF SERVICE

I CERTIFY that I have on this day served the foregoing document **KLAMATH WATER USERS ASSOCIATION'S NOTICE OF INTENT TO REQUEST AN ISSUE FUND GRANT** on all parties of the record listed on the Service list below, in this proceeding via electronic mail and/or via mailing a copy properly addressed with first class postage prepaid.

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Dated in Portland, Oregon, this 21st day of April, 2009.


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UE 210

In the Matter of)
) KLAMATH WATER USERS
PACIFICORP, dba PACIFIC POWER) ASSOCIATION APPLICATION FOR
) CASE CERTIFICATION
Request for a General Rate Revision.)
)
)
)

Pursuant to OAR 860-012-0100(4) and Article 5.3 of the Amended and Restated Intervenor Funding Agreement (“IFA”), the Klamath Water Users Association (“KWUA”) hereby applies for case certification in order to receive an Issue Fund Grant. Accompanying this Application are KWUA’s Notice of Intent to Request an Issue Fund Grant and a Motion to Intervene.

1. On April 2, 2009, PacifiCorp dba Pacific Power (“PacifiCorp”) filed a request for a general rate revision with the Oregon Public Utilities Commission (“Commission”) seeking an annual revenue increase of 9.1%. PacifiCorp specifically seeks to increase its Schedule 41 rates for irrigation customers by 17.5%. This rate case has been docketed by the Commission as UE-210.

2. PacifiCorp is a “Participating Public Utility” as defined by Article 1(k) of the IFA, and UE-210 is an “Eligible Proceeding” as defined in Article 1(c) of the IFA.

3. KWUA is a nonprofit corporation comprised of nearly 20 public agencies, including irrigation districts and similar entities, and individuals and businesses located in and around the Klamath River Basin in Southern Oregon and Northern California. In addition, the

members of districts comprising KWUA include individual irrigators on roughly 200,000 acres of land. Many KWUA members in Oregon, and the individual irrigators, purchase electricity from PacifiCorp under Schedule 41. Although the rates of many of KWUA's members are currently mitigated by operation of ORS 757.227, these rate-payers are transitioning to the full Schedule 41 rate.

4. PacifiCorp proposes to raise its Schedule 41 rate by at least 17.5%. KWUA, therefore, has a direct and substantial interest in this proceeding that will not be adequately represented by any other party.

5. KWUA has previously been certified by the Commission to receive intervenor funding. In UE 170 and 179, KWUA applied for and received case certification. KWUA continues to meet each of the criteria for grant eligibility set forth in OAR 860-012-0100(4)(a-g) and Articles 5.3(a-g) of the IFA:

(a) KWUA is a not-for-profit organization. KWUA also is comprised of multiple customers of PacifiCorp, and a primary propose of KWUA is to represent these customers' interests with respect to power rates.

(b) KWUA will represent the interests of a broad class of customers. Its participation in UE-210 will benefit all of PacifiCorp's irrigation customers taking service under Schedule 41. KWUA's participation in UE-210 will focus solely on the rates, rate design and quality of service offered pursuant to PacifiCorp's Schedule 41. Accordingly, KWUA's participation will be directed at PacifiCorp's rates and terms and conditions of service affecting the entire class of customers taking service under PacifiCorp's Schedule 41 as required by Article 5.3(b) of the IFA.

(c) KWUA is able to effectively represent PacifiCorp's irrigation class of customers. First, KWUA is one of the largest associations of irrigation districts and irrigators in Oregon. Second, KWUA is actively seeking to coordinate with other statewide agriculture organizations that have a substantial interest in PacifiCorp's Schedule 41 rates.

KWUA has engaged the law firm of Cable Huston Benedict Haagensen & Lloyd LLP ("Cable Huston") to represent KWUA in UE-210. Cable Huston attorneys representing KWUA in this proceeding have extensive experience practicing before this Commission as well as the Washington Utilities and Transportation Commission and Federal Energy Regulatory Commission in general rate proceedings and in other proceedings involving the rates and terms and conditions of service impacting customers of electric, natural gas and oil pipeline companies. In addition, Cable Huston represented KWUA in PacifiCorp's last general rate proceedings, UE 170 and 179. KWUA will be able to effectively represent irrigation customers of PacifiCorp in this proceeding.

(d) Many of KWUA's members are Schedule 41 customers of PacifiCorp, which is a party to the IFA. KWUA is funded almost entirely by dues collected from its members. The intervenor funding sought in this proceeding would, if granted, represent a very small portion of KWUA's overall annual budget. KWUA's members served by PacifiCorp contribute a significant percentage of the overall support and funding of the organization.

(e) KWUA will substantively contribute to the record with respect to the rates and terms and conditions of service offered by PacifiCorp to its irrigation customers in Oregon. As discussed above in section 5(c), KWUA already has engaged Cable Huston

as counsel, which has extensive experience advocating for customer interests in rate cases before this Commission. KWUA also intends to retain the services of rate experts to participate in discovery, present testimony and/or participate in hearings. Therefore, KWUA has demonstrated the ability to substantively contribute to the record on behalf of irrigators.

(f) To the best of KWUA's knowledge, no other party or pre-certified intervenor adequately represents the specific interests of Schedule 41 customers in UE-210. The pre-certified intervenors in this proceeding will be the Citizens Utility Board ("CUB") and the Industrial Customers of Northwest Utilities ("ICNU"). CUB represents only residential rate payers and ICNU represents only industrial customers. Irrigation customers have a different tariff and a fundamentally different load profile than any other class of customers affected by this proceeding. Thus, no other party or pre-certified intervenor represents Schedule 41 customers, and all irrigation customers of PacifiCorp would benefit from KWUA participation on their behalf in UE-210.

(g) KWUA's request for case-certification will not unduly delay the schedule of UE-210.

6. As demonstrated above, KWUA meets the requirements of OAR 860-012-0100(4) and Article 5.3 of the IFA. Therefore, KWUA respectfully requests that the Commission certify KWUA as an entity eligible to receive Issue Fund Grants for UE-210

Dated in Portland, Oregon, this 21st day of April, 2009.

Respectfully submitted,



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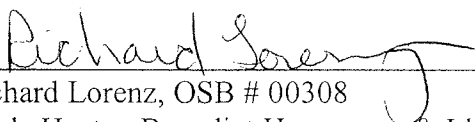
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