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September 10, 2009

VIA E-MAIL AND FIRST-CLASS MAIL

ALJ Sarah Wallace
PUC Filing Center
Public Utility Commission of Oregon
550 Capitol Street NE
Salem, OR 97308

Re: AR 537

Dear ALJ Wallace,

Pursuant to your Ruling on August 27, 2009, PacifiCorp, Portland General Electric, Avista, and NW Natural ("Joint Utilities") submit the following additional comments in the docket.

At the public comment hearing held on August 27, 2009, you asked for comment on the possible deletion of OAR 860-022-0041(10). The Joint Utilities argued in their written comments that SB 408 does not require adoption of the proposed rule and that ORS 756.040 and the U.S. Constitution prohibit the proposed rule's procedural restrictions on the right to challenge rates as confiscatory.

Consistent with these positions, the Joint Utilities support the deletion of current section 10 from OAR 860-022-0041 and the rejection of the proposed rule. The Joint Utilities respectfully request that the Commission clarify that the deletion of section 10 is not intended to suggest that confiscatory rate challenges may not be made to SB 408-related rate changes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Katherine A. McDowell".

Katherine A. McDowell

cc: Service List

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CERTIFICATE OF SERVICE

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I hereby certify that I served a true and correct copy of the foregoing document in

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Docket AR 537 on the following named person(s) on the date indicated below by email and

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first-class mail addressed to said person(s) at his or her last-known address(es) indicated

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DATED: September 10, 2009.

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Of Attorneys for PacifiCorp