

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON**

CASE NO. UE 235

Phase 1

IN THE MATTER THE PUBLIC UTILITY COMMISSION OF OREGON	)	
	)	REPLY BRIEF OF THE
Investigation Into Avoided Cost Purchases from Qualifying Facilities - Schedule 37	)	COMMUNITY RENEWABLE
	)	ENERGY ASSOCIATION
	)	
	)	

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The Community Renewable Energy Association (“CREA”) respectfully submits this Reply Brief in Phase 1 of this docket pursuant to Administrative Law Judge Kirkpatrick’s scheduling order dated October 5, 2011. Pursuant to that schedule, PacifiCorp filed an Opening Brief on October 26, 2011. Commission Staff, Renewable Northwest Project, and CREA filed Response Briefs on November 17, 2011. This filing is made pursuant to the scheduling order’s provision for all parties to file final reply briefs. Having reviewed the briefing of other parties, CREA stands by all positions taken in its Response Brief.

CREA respectfully requests that the Public Utility Commission of Oregon hold that no violation of the Public Utility Regulatory Policies Act of 1978 or Oregon law occurs when PacifiCorp must pay for third-party transmission to move Schedule 37 qualifying facility (“QF”) output from the point of delivery to PacifiCorp load. CREA respectfully requests that the Commission reject PacifiCorp’s Advice No. 11-011 because Schedule 37 does not systematically require PacifiCorp to pay above the full avoided costs. Alternatively, if the Commission determines to pursue this investigation further, CREA respectfully requests that the Commission

develop mechanisms to compensate Schedule 37 QFs for PacifiCorp's avoided interconnection and transmission costs to prevent PacifiCorp from compensating Schedule 37 QFs for *less* than PacifiCorp's full avoided costs.

RESPECTFULLY SUBMITTED this 12th day of December 2011.

RICHARDSON & O'LEARY PLLC

*/s/ Gregory M. Adams*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 12<sup>th</sup> day of December, 2011, a true and correct copy of the within and foregoing **REPLY BRIEF** was served as shown to:

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