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February 22, 2013

VIA ELECTRONIC FILING & U.S. MAIL

Oregon Public Utility Commission
Attn: Filing Center
550 Capitol Street, N.E., #215
P.O. Box 2148
Salem, Oregon 97308-2148

Re: In the Matter of Oregon Public Utility Commission Investigation of Issues
Relating to Direct Access
Docket No. UM 1587

Dear Filing Center:

Enclosed please find the original and one (1) copy of the VITESSE, LLC'S PETITION TO INTERVENE OUT OF TIME and WAIVER OF PAPER SERVICE in the above-referenced docket. A copy will be sent via e-mail to all parties on the service list.

Thank you for your assistance with this filing. Should you have any questions, please feel free to contact me.

Very truly yours,


Richard G. Lorenz

RGL:sk
Enclosures

cc: UM 1587 Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1587

In the Matter of

OREGON PUBLIC UTILITY
COMMISSION

Investigation of Issues Relating to Direct
Access

VITESSE LLC'S PETITION TO
INTERVENE OUT OF TIME

and Waiver of Paper Service

Pursuant to ORS § 756.525 and OAR § 860-001-0300(2), Vitesse LLC ("Vitesse") hereby submits this Petition to Intervene in the above-captioned proceeding and seeks party status as provided in OAR § 860-001-0300(7). Vitesse is a limited liability company that is wholly owned by Facebook, Inc. Vitesse's purpose is to develop, own and operate a data center in Prineville, Oregon. In support of this Petition to Intervene, Vitesse states as follows:

1. The name and address of Vitesse as a party of record in this proceeding is:

Vince T. Van Son
Data Center Energy Manager
Facebook
1601 Willow Rd.
Menlo Park, CA 94025
Telephone: (865) 621-5612
E-Mail: vince@fb.com

Thomas M. Grim and Richard G. Lorenz from the law firm Cable Huston Benedict Haagensen & Lloyd LLP will represent Vitesse in this proceeding. All documents related to this proceeding should be served on Vitesse's attorneys at the following address:

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2. On March 14, 2012, the Commission initiated this proceeding to address two issues relating to direct access: (1) changes necessary to reduce or eliminate franchise fee-related disincentives to both potential direct access customers and utilities; and (2) consideration of an open access program for customers with a peak demand of 10 MW or greater. On May 3, 2012, the ALJ issued a ruling establishing May 16, 2012 as the deadline for filing petitions to intervene.

3. With respect to the second issue identified above, the ALJ issued a ruling on July 13, 2012 detailing “numerous questions that need to be addressed before the Commissioners can make an informed judgment * * *.” Among the questions specifically identified by the ALJ were the following:

- Should transition charges be assessed to participants?
- Should transition charges be assessed to customers that return to retail service?

4. On December 30 2012, the Commission issued Order No. 12-500 in which it directed PacifiCorp to “file a tariff offering to provide a five-year opt-out program that allows a qualified customer to go to direct access and pay fixed transition charges for the next five years, and then to no longer be subject to transitions adjustments.” The Commission directed PacifiCorp to make such filing with 60 days of the Order.

5. The Vitesse data center is comprised of one or more facilities having a total average demand well in excess of 10 MW. The first building of Vitesse’s data center became operational in its entirety on March 31, 2012. Vitesse purchases power for the data center from

PacifiCorp pursuant to the Schedule 48 rate approved by this Commission. Vitesse has a direct interest in PacifiCorp's direct access tariff, including but not limited to transition charges that may be proposed for new, large customers. Vitesse is seeking to intervene in this proceeding in order to have an opportunity to comment on the direct access tariff that PacifiCorp will propose in response to the Commission's December 30, 2012 Order.

6. Vitesse's participation in this proceeding will assist the Commission in resolving the issues, and will not unreasonably broaden the issues, unduly burden the record, or delay the proceeding.

7. Vitesse acknowledges that this petition is filed after the deadline established in the May 3, 2012 scheduling order, and submits that it has good cause for intervening out of time in this proceeding. The first building of its data center in Oregon was not fully operational at the time this proceeding was initiated. Since the first building of its data center became fully operational, Vitesse now has a direct interest in this proceeding. Vitesse respectfully submits that it is appropriate to allow intervention at this time so that Vitesse has the opportunity to comment on and participate in shaping the pending modifications to PacifiCorp's current direct access tariff.

8. Vitesse waives paper service of documents in this proceeding.

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WHEREFORE, Vitesse respectfully requests leave to intervene and requests all the rights of a party in this proceeding.

Dated this 22nd day of February 2013.

Respectfully submitted,

/s/ Richard G. Lorenz

Thomas M. Grim, OSB No. 882182

Richard G. Lorenz, OSB No. 003086

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Of Attorneys for Vitesse LLC

CERTIFICATE OF SERVICE

I CERTIFY that I have on this day served the foregoing document upon all parties of record in this proceeding via electronic mail and/or by mailing a copy properly addressed with first class postage prepaid.

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Dated in Portland, Oregon, this 22nd day of February, 2013.

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