# Davison Van Cleve PC

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Suite 400 333 SW Taylor Portland, OR 97204

December 10, 2014

### Via E-mail and Federal Express

Public Utility Commission of Oregon Attn: Filing Center 3930 Fairview Industrial Drive SE Salem OR 97302

Re:

PACIFICORP, dba PACIFIC POWER 2015 Transition Adjustment Mechanism

Docket No. UE 287

### Dear Filing Center:

Enclosed please find the original and one (1) copy of the Request for Final Payment of Issue Fund Grant and Confidential Exhibit A on behalf of the Industrial Customers of Northwest Utilities. Pursuant to Section 7.3 of the Intervenor Funding Agreement, Confidential Exhibit A is being submitted in a separate sealed envelope to the Commission and PacifiCorp.

Thank you for your assistance. If you have any questions, please do not hesitate to contact our office.

Sincerely,

Jesse O. Gorsuch

**Enclosures** 

cc:

Service List

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the attached Request for Final

**Payment of Issue Fund Grant of ICNU** upon all parties in this proceeding by sending a copy via electronic mail to the following parties at the following addresses.

Dated at Portland, Oregon, this 10th day of December, 2014.

Jesse O. Gorsuch

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#### BEFORE THE PUBLIC UTILITY COMMISSION

#### **OF OREGON**

**UE 287** 

In the Matter of	)
	REQUEST FOR FINAL
PACIFICORP, dba PACIFIC POWER	PAYMENT OF ISSUE FUND
	GRANT OF THE INDUSTRIAL
2015 Transition Adjustment Mechanism	CUSTOMERS OF NORTHWEST
	) UTILITIES

Pursuant to Section 7.3 of the Second Amended and Restated Intervenor Funding Agreement ("IFA") approved by the Oregon Public Utility Commission ("Commission") by Order No. 12-452 (November 7, 2012), the Industrial Customers of Northwest Utilities ("ICNU") hereby requests final payment of ICNU's Issue Fund Grant in Docket No. UE 287 in the amount of \$542.48.

On May 16, 2014, ICNU filed a Proposed Budget for an Issue Fund Grant in Docket No. UE 287 in the amount of \$33,560. On May 21, 2014, the Commission issued Order No. 14-171 approving an Issue Fund Grant for ICNU in the amount of \$33,560. On August 29, 2014, ICNU filed a Request for Partial Payment of Issue Fund Grant in the amount of \$22,046.06, which the Commission approved in Order No. 14-308 on September 3, 2014. At this time, ICNU requests final payment of the approved Issue Fund Grant in Docket No. UE 287. As described below, ICNU requests that the unused portion of the Issue Fund Grant be reallocated to Docket No. UM 1633.

ICNU hereby requests that the Commission authorize final payment of the Issue Fund Grant in this Docket in the amount of \$542.48. ICNU's expenses are shown in Confidential Attachment A.

PAGE 1 – REQUEST FOR FINAL PAYMENT OF ISSUE FUND GRANT OF ICNU

This Request for Payment satisfies the requirements of the IFA as follows:

<u>Section 7.3(a)</u> – The itemized expenses, payees, and hourly rates are attached as Confidential Exhibit A.

<u>Section 7.3(b)</u> – ICNU has been an active participant in this Docket. ICNU has conducted discovery, participated in settlement conferences, filed testimony and entered into a stipulation. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU's participation in UE 287.

Section 7.3(c) – The Commission approved ICNU's proposed budget on May 21, 2014. In addition, ICNU used its own funds to pay for at least 20% of the Eligible Expenses as required by Section 6.5 of the IFA.

<u>Section 7.3(d)</u> - This Request for Payment constitutes a Final Request for Payment in this Docket.

<u>Section 7.4</u> – All of the expenses included in Exhibit A are Eligible Expenses as defined in Section 7.4 of the IFA because they relate to services provided or expenses incurred by ICNU's outside legal counsel and expert witnesses. Relevant non-privileged documents substantiating the Eligible Expenses in Confidential Exhibit A are available for Commission audit, if requested, pursuant to Section 7.10 of the IFA.

The IFA provides that the granting of "an Issue Fund Grant shall constitute a binding obligation on the Commission to order reimbursement of Eligible Expenses." IFA § 6.5. Likewise, the intervenor funding rules adopted by the Commission provide that "[t]he terms of an [intervenor funding] agreement are binding on all organizations seeking a grant under that agreement and will be followed by the Commission in administering the agreement."

OAR § 860-001-0120(2). ICNU has satisfied the terms of the IFA and respectfully requests that the Commission approve final payment of ICNU's Issue Fund Grant in the amount of \$542.48 from the 2014 PacifiCorp Issue Fund within 30 days of receiving this Request for Final Payment as provided in Section 7.6 of the IFA.

Pursuant to Section 6.7 of the IFA, ICNU requests that the Commission reallocate the remaining \$10,971.46 of the Issue Fund Grant in this proceeding to Docket No. UM 1633. The scope of UM 1633 has grown considerably since ICNU submitted its original proposed budget in that Docket, and the duration of the case has exceeded initial expectations. As a result, ICNU has had to invest additional time and resources that were not foreseen.

Accordingly, ICNU respectfully requests that the remaining \$10,971.46 in the UE 287 Issue Fund Grant be reallocated to UM 1633 for use in that proceeding. Upon payment of this Request for Final Payment and reallocation of funds to UM 1633, the balance of the UE 287 Issue Fund Grant will be zero, and the balance in the UM 1633 Issue Fund Grant will be \$24,717.28 \frac{1}{2}.

Payment should be sent to:

Industrial Customers of Northwest Utilities c/o S. Bradley Van Cleve Davison Van Cleve, P.C. 333 SW Taylor, Suite 400 Portland, OR 97204

This amount assumes that the Commission also grants ICNU's request to reallocate unused issue funds in Docket No. UM 1689.

## Dated this 10th day of December, 2014.

Respectfully submitted,

DAVISON VAN CLEYE, P.C.

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Of Attorneys for Industrial Customers

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