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August 18, 2015

## *Via Electronic Filing*

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High St. SE  
Salem OR 97301

Re: In the Matter of PACIFICORP, dba PACIFIC POWER  
2016 Transition Adjustment Mechanism  
**Docket No. UE 296**

Dear Filing Center:

Enclosed for filing in the above-referenced docket, please find the Cross-Examination Statement of the Industrial Customers of Northwest Utilities.

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

Sincerely,

/s/ Jesse O. Gorsuch  
Jesse O. Gorsuch

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UE 296**

In the Matter of	)	
	)	
PACIFICORP, dba PACIFIC POWER,	)	CROSS-EXAMINATION STATEMENT
	)	OF THE INDUSTRIAL CUSTOMERS
2016 Transition Adjustment Mechanism.	)	OF NORTHWEST UTILITIES
_____	)	

The Industrial Customers of Northwest Utilities (“ICNU”) does not plan to cross-examine any witnesses at the hearing scheduled for August 25, 2015, but reserves the right to ask follow-up questions of any witness that is examined by another party, the Administrative Law Judge (“ALJ”), or the Commissioners. This reservation includes the potential cross-examination of any PacifiCorp (or the “Company”) witnesses allowed “to offer live supplemental reply testimony” at the hearing.<sup>1/</sup>

While ICNU explicitly reserves the right to cross-examine witnesses allowed to offer further supplemental testimony, ICNU does not believe that it would be necessary or appropriate for live supplemental reply testimony to be permitted. The Company contemplates such additional testimony based on a claim that ICNU has filed “improper cross-answering testimony,”<sup>2/</sup> but this is not true. The “new argument” that ICNU allegedly raised was simply an answer to the Opening Testimony of the Citizens’ Utility Board of Oregon (“CUB”).<sup>3/</sup> Specifically, ICNU witness Bradley G. Mullins was asked whether he agreed “that the GRID

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<sup>1/</sup> PacifiCorp’s Prehearing Memorandum at 3 n.10.  
<sup>2/</sup> Id.  
<sup>3/</sup> Id. at 6:8.

model understates normalized NPC,”<sup>4/</sup> responding to CUB testimony opposing PacifiCorp’s system balancing adjustment on the basis of “weather normalized” concerns and “what the Company claims is GRID’s consistent and systematic under-forecasting of NPC.”<sup>5/</sup> Mr. Mullins’ explanation of why he agreed with CUB, which the Company frames as an improper “new argument,” is perfectly appropriate in cross-answering testimony. Conversely, the Company’s claimed right to offer supplemental reply testimony on the pretext of this “new argument” would erode the prospective ability of Staff and intervenors to substantively answer other non-utility parties in cross-answering testimony.

Additionally, ICNU notes that the Company needs no further “supplemental” forum to restate its arguments, given the volume of its prehearing memorandum filing. Despite guidance from Chief ALJ Grant in the 2014 Transition Adjustment Mechanism docket that a prehearing memorandum be “limited to 15 pages,”<sup>6/</sup> the Company has elected to dwarf the page count of any other party by filing a 34 page memorandum (a page shy of the requested 35-page limit for opening and response briefs). Rather than submitting a memorandum that “*summarizes* the facts, issues, and arguments of the case,” as ALJ Grant reported that “[t]he Commissioners have requested,”<sup>7/</sup> the Company has effectively chosen to create an additional, full round of briefing to itself prior to the hearing. Accordingly, although ICNU does not think the time and resources of the ALJ or parties are best served by arguing over page counts, further supplemental testimony has been rendered both unnecessary and inappropriate by PacifiCorp’s extensive reply to alleged “new arguments” in its very lengthy memorandum.

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<sup>4/</sup> ICNU/200, Mullins/8:6.

<sup>5/</sup> CUB/100, Jenks-Hanhan/5:18-22.

<sup>6/</sup> Re PacifiCorp, Docket Nos. UE 263 & UE 264, Notice of Joint Prehearing Conference and Memorandum at 2 (Mar. 6, 2013).

<sup>7/</sup> Id. (emphasis added).

Dated this 18th day of August, 2015.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

*/s/ Jesse E. Cowell*

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