

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2183

In the Matter of

PACIFICORP, d/b/a Pacific Power

Application for Authority to Implement a
Decommissioning Cost Recovery Adjustment
and Coal Removal Mechanism

PETITION TO INTERVENE OF
KLAMATH BASIN WATER USERS
PROTECTIVE ASSOCIATION DBA
KLAMATH WATER USERS ASSOCIATION

Pursuant to ORS 756.525 and OAR 860-001-0300, Klamath Basin Water Users Protective Association, which does business as Klamath Water Users Association (KWUA) petitions the Public Utility Commission of Oregon to intervene in this proceeding with full party status. In support of this petition, KWUA represents as follows:

I. PETITIONER

Klamath Water Users Association
2312 South Sixth Street, Suite A
Klamath Falls OR 97601
Telephone: 541.883.6100
Email: assist@kwua.org

II. COUNSEL FOR PETITIONER

Paul S. Simmons, OSB 971386
Somach Simmons & Dunn, PC
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916.446.7979
Email: psimmons@somachlaw.com

III. THE ORGANIZATION

KWUA is a non-profit, mutual benefit with members, corporation, formed in 1953. Its members are predominantly irrigation districts, improvement districts, and similar water delivery

agencies who are contractors with the United States of America, Bureau of Reclamation. KWUA members divert and deliver irrigation water to approximately 175,000 acres of agricultural land in the Klamath Reclamation Project in southern Oregon and northern California, with over 100,000 acres being in Klamath County, Oregon. KWUA has 15 members.

The mission of KWUA is “to preserve and protect the viability of irrigated agriculture for our membership in the Klamath basin, for the benefit of current and future generations.” Among the reasons for KWUA’s incorporation in 1953 was the desire to ensure favorable power costs, and that objective continues to this day. KWUA was an intervenor in cases involving PacifiCorp rates in UE 170, UE 210, UE 374, and UE 375, and a separate intergovernmental agency (since dissolved) consisting of KWUA members was an intervenor in UE 246.

IV. APPLICANT’S INTEREST

KWUA’s members and their patrons use electricity to move irrigation and drainage water, at three levels. First, pumping is integral to moving water on and for many individual farm and ranch operations. Second, districts incur pumping costs that are passed on to their patrons. Third, the Bureau of Reclamation incurs pumping costs that are passed on to districts and ultimately district patrons. For approximately 90 years, KWUA’s Oregon members and their patrons received power under PacifiCorp’s Schedule 33, based on special contracts executed in 1917 and 1956. The latter contract expired in 2006, and these customers were transitioned to services under Schedule 41. KWUA members and their constituents have seen their electric rates increase by roughly 2000 percent since 2006. This affects the viability of operations and the ability to move and use water efficiently.

V. ISSUES

PacifiCorp seeks rate recovery for costs of de-commissioning of coal-fired generation facilities, beginning January 1, 2022. The “net rate increase” would nominally be approximately 2.8 percent for Schedule 41 customers. The true amount of average rate increase on January 1, 2022, for Schedule 41 customers who can receive the Schedule 98 BPA Regional Exchange Credit (which is the majority of irrigation water users in the Upper Klamath Basin) would be approximately 3.0 percent. These proposed increases would have significant consequences for KWUA’s members and their patrons. KWUA is interested in all aspects of this proceeding and anticipates that it may contest the proposed increase or any other matter that affects the interests of KWUA members and their patrons. To the best of our knowledge, to date, KWUA is the only organization seeking intervention to represent agricultural pump customers subject to purchasing electricity from PacifiCorp under Schedule 41. In addition, KWUA believes that its Oregon members occupy a very substantial percentage of all agricultural acreage within the state that is subject to Schedule 41.

Dated this 17th day of September 2021.

/s/ Paul S. Simmons

Paul S. Simmons, OSB No. 971386
Somach Simmons & Dunn, PC
500 Capital Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916.446.7979
Email: psimmons@somachlaw.com