LANE POWELL
ATTORNEYS & COUNSELORS

RICHARD H. WILLIAMS
503.778.2160
williamsr@lanepowell.com

August 21, 2007

BY ELECTRONIC MAIL (*PUC.FilingCenter@state.or.us*)
AND REGULAR MAIL

Public Utility Commission of Oregon
Attention: Filing Center
550 Capitol Street NE #215
PO Box 2148
Salem, OR 97308-2148

Re: *Wah Chang, Petitioner v. PacifiCorp, Respondent*
Docket UM 1002

Dear Sir or Madam:

Enclosed for filing is Wah Chang's Motion to Compel Full Response to Data Request No. 203 and Affidavit of Richard H. Williams in Support of Motion to Compel Full Response to Data Request No. 2003, along with the Certificate of Service. Expedited consideration is requested.

Very truly yours,

Richard H. Williams

Enclosures
cc (w/enc): Service List
ALJ Patrick Power
006854.0164/651826.1

BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON

UM 1002

WAH CHANG, Petitioner, v. PACIFICORP, Respondent.	**WAH CHANG'S MOTION TO COMPEL FULL RESPONSE TO DATA REQUEST NO. 203** **Request for Expedited Consideration**

Wah Chang moves for a ruling requiring PacifiCorp to comply fully with Wah Chang Data Request No. 203 ("DR 203") within five business days after issuance of the ruling. Wah Chang requests expedited consideration of this motion.

Wah Chang has not conferred with PacifiCorp about this motion because Wah Chang on a number of occasions has conferred with PacifiCorp about its repeatedly inadequate responses to DR 203.

INTRODUCTION

On May 30, 2007, Wah Chang served DR 203 requesting full data on PacifiCorp's electricity trading during 2000-2001:

> **REQUEST NO. 203:** Please provide a complete and comprehensive set of data documenting PacifiCorp's electricity trading activities for the years 2000 and 2001. Please include at least the following information for each transaction: date and time transaction was made, counterparty, date and hour of delivery, delivery source and destination, volume, price per MWh, an identification of the PacifiCorp trader responsible for the transaction, any comments he or she included in the transaction record, and any unique transaction number PacifiCorp

006854.0164/651485.1

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may use to identify the transaction. Please provide data in CSV, Microsoft Excel, or Microsoft Access format. Please also identify the native format of the data.[1]

PacifiCorp objected that the request was redundant, burdensome and irrelevant because, among other reasons, Wah Chang previously had requested "the same or similar information."[2] PacifiCorp cited Data Request No. 155 ("DR 155") as an example. According to the objection, the DR 155 response provided the requested information for the 31,563 transactions PacifiCorp was involved in during the period July 1-November 30, 2000.[3]

Wah Chang disputed the objections, but nonetheless offered to limit the request to the period April 2000 through June 2001, exclusive of July-November 2000,[4] and PacifiCorp agreed to provide electronic and hard copies of the data for the limited period.[5] On June 22, PacifiCorp stated that it was providing the requested information: "Included as Confidential Attachment to Request No. 203 is the requested information for these time periods. The Confidential Attachment is also provided electronically on the enclosed CD."[6]

However, the CD, unlike the hard copy, did not include hourly data. Wah Chang called this omission to PacifiCorp's attention,[7] and PacifiCorp agreed to provide an electronic version of the transactions showing the transactions by hour.[8]

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[1] Affidavit of Richard H. Williams in Support of Wah Chang's Motion to Compel Full Response to Data Request No. 203 ("Wms Aff"), Exhibit A, p. 4, lines 4-11.

[2] *Id.*, p. 4, lines 18-19.

[3] *Id.*, p. 4, lines 19-23, p. 5, lines 3-4.

[4] Wms Aff, Exhibit B.

[5] Wms Aff, Exhibit C.

[6] Wms Aff, Exhibit D, p. 4, lines 7-9.

[7] Wms Aff, Exhibit E.

[8] Wms Aff, Exhibit F.

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On June 29, PacifiCorp delivered a disk that included hourly information for transactions during the period May 2000 through June 2001. However, the spreadsheet format was different from the June 22 response and omitted the counterparty, product and trader columns.[9] Further, the disk included only one day of "MKT" (forward market) transactions for October, and included fewer than all days of forward market transactions for June, November and December 2000 and omitted April 2000 altogether.[10]

Wah Chang called the latter omissions to PacifiCorp's attention,[11] and PacifiCorp supplied Wah Chang with yet another disk, this one said to contain "replacement data for the month of October 2000."[12] PacifiCorp also agreed to review its DR 203 response for the other omissions.

However, once again, the data was less than Wah Chang requested and less than PacifiCorp said it was providing: the disk omitted "MKT" transactions for October 24-31. [13]

DISCUSSION

Wah Chang requests a ruling requiring PacifiCorp to provide an electronic copy of all requested information for each day during the period April 2000 through June 2001. PacifiCorp's DR 203 responses to date have been piecemeal and incomplete taken separately and as a whole. For example, the June 22 electronic response omitted hourly data. The June 29 response included hourly data but omitted counterparties and other columns, and it failed to include the entire month of April 2000, all but one day in October 2000, and some days in three other months. The August 17 response failed once again to include all October forward market transactions.

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[9] Wms Aff, paragraph 9.

[10] Wms Aff, paragraph 10 and Exhibit G.

[11] *Id.*

[12] Wms Aff, Exhibit H.

[13] Wms Aff, paragraph 12.

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PacifiCorp should be required to produce an electronic spreadsheet having columns showing all specifically requested information and any other electronically stored information[14] for each transaction for each day during the period April 1, 2000 through June 30, 2001. As requested by DR 203, the response should include all "electricity trading activities," including "real time" and forward transactions, regardless of whether the transactions were made by PacifiCorp's real time desk, market trade desk or any other "desk" or employee. Wah Chang should not be required to discover and point out deficiencies in PacifiCorp's responses or to piece together separate responses to make a whole.

Wah Chang initially was willing to exclude the period July 1 through November 30, 2000 as a compromise of PacifiCorp's objections, but is no longer willing. When it offered the compromise, Wah Chang understood that the response to DR 155 included all transactions during that period, an understanding consistent with PacifiCorp's statements in its initial objection to DR 203.[15] However, PacifiCorp subsequently informed Wah Chang that the DR 155 response included only real time transactions and did not include forward market transactions. Further, PacifiCorp already has provided, in its June 29 response, some but not all data for July-November 2000 transactions.

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[14] The specifically requested information, again, is "date and time transaction was made, counterparty, date and hour of delivery, delivery source and destination, volume, price per MWh, an identification of the PacifiCorp trader responsible for the transaction, any comments he or she included in the transaction record, and any unique transaction number PacifiCorp may use to identify the transaction." Consistent with DR 203, the enumeration is not by way of limitation. The response should also include any other electronically stored detail about the transaction.

[15] See Wms Aff, Exhibit A, p. 4, lines 19-21, and p. 5, lines 3-4.

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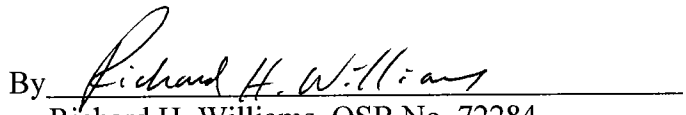
CONCLUSION

PacifiCorp ought to be required to provide all requested information for all transactions for the period April 2000 through June 2001.

DATED this 21st day of August, 2007.

LANE POWELL PC

By 
Richard H. Williams, OSB No. 72284
Milo Petranovich, OSB No. 81337

Attorneys for Petitioner Wah Chang

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BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON

UM 1002

Wah Chang, Petitioner, v. PacifiCorp, Respondent.	**AFFIDAVIT OF RICHARD H. WILLIAMS IN SUPPORT OF WAH CHANG'S MOTION TO COMPEL FULL RESPONSE TO DATA REQUEST NO. 203**

STATE OF OREGON)
) *ss.*
County of Multnomah)

I, Richard H. Williams, being first duly sworn, depose and say:

1. I am an attorney representing Wah Chang in this proceeding.

2. I make this affidavit in support of Wah Chang's Motion to Compel Full Response to Data Request No. 203. This affidavit is based on my personal knowledge.

3. Attached to this affidavit as Exhibit A is a true and complete copy of PacifiCorp's Supplemental Response to Eighteenth Data Request dated June 11, 2007.

4. Attached to this affidavit as Exhibit B is a true and complete copy of a letter dated June 15, 2007 from me to James M. Van Nostrand.

5. Attached to this affidavit as Exhibit C is a true and complete copy of a letter dated June 20, 2007 from James M. Van Nostrand to me.

6. Attached to this affidavit as Exhibit D is a true and complete copy of PacifiCorp's Supplemental Response to Eighteenth Data Request dated June 22, 2007.

7. Attached to this affidavit as Exhibit E is a true and complete copy of a letter dated June 25, 2007 from me to James M. Van Nostrand.

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8. Attached to this affidavit as Exhibit F is a true and complete copy of an e-mail dated June 28, 2007 from James M. Van Nostrand to me.

9. Robert McCullough has informed me that the disk provided by PacifiCorp on June 29, 2007 contains some information for each month May 2000-June 2001, that it contains transaction information in a new spreadsheet format as compared to PacifiCorp's previous response and that, unlike the transaction data provided on June 22, 2007, it does not include counterparty, product and trader columns or information. The information is true to the best of my knowledge.

10. Attached to this affidavit as Exhibit G is a true and complete copy of a letter dated August 17, 2007 from me to James M. Van Nostrand. The information in the letter was provided to me by Robert McCullough and is true to the best of my knowledge.

11. Attached to this affidavit as Exhibit H is a true and complete copy of a letter dated August 17, 2007 from Christopher L. Garrett to me.

12. Robert McCullough has informed me that the disk provided by PacifiCorp on August 17, 2007 does not contain market transaction data for the dates October 24-October 31, 2000. The information is true to the best of my knowledge.

DATED: August 21, 2007.

Richard H. Williams

RICHARD H. WILLIAMS

SIGNED AND SWORN to before me this 21st day of August, 2007.

OFFICIAL SEAL
HELEN T LYMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 409456
MY COMMISSION EXPIRES NOVEMBER 5, 2010

Helen T. Lyman

NOTARY PUBLIC FOR OREGON
My Commission Expires: Nov. 5 2010

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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1002

Wah Chang, Petitioner, v. PacifiCorp, Respondent.	**PACIFICORP'S RESPONSE TO PETITIONER'S EIGHTEENTH DATA REQUEST (Request No. 172-203)**

PacifiCorp responds and objects as follows to Wah Chang's Eighteenth Data Request:

GENERAL RESPONSES AND OBJECTIONS

1. PacifiCorp objects to petitioner's data request to the extent it seeks documents and information other than documents and information in PacifiCorp's possession.

2. PacifiCorp objects to petitioner's data request to the extent it seeks the production of documents protected from disclosure under the attorney-client privilege, the work product doctrine, or any other applicable privilege.

3. PacifiCorp objects to petitioner's data request to the extent it seeks the production of confidential, proprietary, or commercially sensitive documents and information. Any such documents that are produced will be produced only subject to the protective order in place in this matter, Commission Order No. 01-149, or such other protective order as may be necessary.

4. By responding to this data request, PacifiCorp does not in any way waive or intend to waive, but instead intends to preserve, all objections as to the competency, relevancy,

materiality, and admissibility of the responses, of any produced documents, and of the subject matter of the responses and documents.

5. PacifiCorp objects to petitioner's definitions and instructions to the extent they are inconsistent with or broader than PacifiCorp's obligations under the Commission's rules. PacifiCorp objects further to petitioner's definitions and instructions to the extent that those definitions and instructions purport to enlarge, expand or alter in any way the plain meaning and scope of petitioner's requests.

6. For purposes of appeal, PacifiCorp objects generally to this data request on the grounds that this matter is currently before the Commission for the limited purpose of considering certain specific evidence pursuant to ORS 756.600, and there is no basis for conducting additional discovery at this stage of the proceedings. This request, therefore, seeks the production of documents and information not relevant to the procedural posture of Wah Chang's claims and not reasonably calculated to lead to the discovery of admissible evidence.

7. PacifiCorp reserves the right to supplement or amend its responses to this data request upon the discovery of additional documents and information.

8. Each of these general objections is hereby expressly incorporated into the specific responses set forth below.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 197: With reference to page 60, lines 10 through 11 of Dr. Cicchetti's Reply Testimony, Dr. Cicchetti states "During this same period, PacifiCorp completed approximately 45,000 transactions in the WSCC." Please provide all source data used to reach this total of transactions.

RESPONSE: Dr. Cicchetti relied on PacifiCorp's Responses to OPUC Staff Data Requests dated November 12, 2003 at page 5 (Bates Stamp Number WC/112. Mr.

McCullough also includes a portion of Mr. Watters affidavit at page 121/line 9-10 where he references the 45,000 transactions.

REQUEST NO. 199: With reference to page 62, lines 12-14 of Dr. Cicchetti's Reply Testimony, Dr. Cicchetti states "PacifiCorp's west control area was receiving 12.75 MWs per minute but that its load pickup was only 2.5 MW per minute." Please provide the full data set in which the referenced numbers can be found.

RESPONSE: Dr. Cicchetti does not have the "full data set." Dr. Cicchetti was provided this information by PacifiCorp to explain why the Hermiston plant was down by 100 MWs. The information provided by PacifiCorp is provided as Confidential Attachment to Request No. 199 to these responses.

REQUEST NO. 200: With reference to page 62, lines 21-22 through page 63, line 1 of Dr. Cicchetti's Reply Testimony, Dr. Cicchetti states "On January 21, 2001, PacifiCorp purchased 9,957 MWh in the Real-Time markets for a cost of slightly more than $1,500,000. During this same period, PacifiCorp sold 160 MWh for $97,600." Please provide the full data set in which the referenced numbers can be found.

RESPONSE: Dr. Cicchetti does not possess the "full data set in which the referenced numbers can be found." See response to Request No. 199.

REQUEST NO. 201: With reference to page 63, lines 5-21 of Dr. Cicchetti's Reply Testimony, please provide (a) the FERC Staff report on physical withholding stating its conclusions about PacifiCorp, (b) all other FERC reports, studies and orders all relating to the FERC investigation of physical withholding, (c) all data requests made by FERC to PacifiCorp in connection with the investigation and (d) all data request responses and other documents and information provided by PacifiCorp to FERC in connection with the investigation.

SUPPLEMENTAL RESPONSE to (c) and (d):

See Confidential Attachment to Request No. 201.

REQUEST NO. 203: Please provide a complete and comprehensive set of data documenting PacifiCorp's electricity trading activities for the years 2000 and 2001. Please include at least the following information for each transaction: date and time transaction was made, counterparty, date and hour of delivery, delivery source and destination, volume, price per MWh, an identification of the PacifiCorp trader responsible for the transaction, any comments he or she included in the transaction record, and any unique transaction number PacifiCorp may use to identify the transaction. Please provide data in CSV, Microsoft Excel, or Microsoft Access format. Please also identify the native format of the data.

RESPONSE: PacifiCorp objects to this request on the following grounds:

(1) **Relevance.** Most of the period for which data is sought is not relevant to the matters at issue in this proceeding. Under the Master Electric Service Agreement, Wah Chang's charges for electric service were not based on the COB Index price until September 1, 2001. "PacifiCorp's electricity trading activities" for periods prior to September 1, 2001 are irrelevant to this proceeding.

(2) **Duplicative and redundant.** Wah Chang has asked for the same or similar information in other data requests in this proceeding. In response to Request No. 155, for example, PacifiCorp provided information with respect to 31,563 transactions between July 1, 2000 and November 30, 2000, and this information included the following detail: trade number, date, point of delivery, counter-party, delivery date, trader desk, buy/sell, hour, rate, price and total. In response to Request No. 154, Wah Chang was provided with data compilations from Dow Jones of all electricity transaction data that PacifiCorp submitted to Dow Jones during the years 2000 and 2001.

(3) **Overbroad and unduly burdensome.** "A complete and comprehensive set of data documenting PacifiCorp's electricity trading activities for the years 2000 and 2001" would comprise tens of thousands of transactions. For the five-month period between July 1, 2000 and November 30, 2000, for example, PacifiCorp was involved in 31,563 transactions. Assuming a comparable level of activity throughout the two-year period would suggest over 150,000 transactions. Moreover, the request is particularly burdensome considering the shortened time for responding to discovery requests at this stage of the proceeding (seven business days). Shortened discovery periods are agreed upon with the understanding that the discovery request will relate specifically the matters discussed in the testimony at issue. There is nothing in the reply testimony of Dr. Cicchetti that reasonably forms the basis for this data request. Rather, the information sought in this request is the sort of broad inquiry that could have been, and should have been (and, in fact was) requested during the preliminary discovery phases of this proceeding.

DATED: June 11, 2007.

PERKINS COIE LLP

By _____
James M. Van Nostrand, OSB No. 794289
Attorneys for PacifiCorp

LANE POWELL
ATTORNEYS & COUNSELORS

RICHARD H. WILLIAMS
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June 15, 2007

VIA ELECTRONIC MAIL (*JVanNostrand@perkins.coie.com*)
AND REGULAR U.S. MAIL

Mr. James M. Van Nostrand
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128

Re: *Wah Chang v. PacifiCorp*, Oregon Public Utility Commission
Docket UM 1002

Dear Jamie:

I am writing concerning PacifiCorp's Responses to Petitioner's Eighteenth Data Request.

I.

Data request numbers 178, 180-182, 186 and 189 call for work papers that support testimony by Dr. Cicchetti citing or incorporating graphs, charts and other information from a report prepared by Dr. Cicchetti and others for the California State Auditor, Bureau of Audits. PacifiCorp did not produce the work papers. Its responses state that the report is "proprietary to the California State Auditor," that the report is available online, and that "Dr. Cicchetti does not possess any of the work papers that were used in preparing that Report."

We note that the responses do not state that the California State Auditor has refused to give Dr. Cicchetti a copy of the work papers or that they are otherwise beyond his control. Without Dr. Cicchetti's underlying work papers, Wah Chang cannot verify those substantial parts of his testimony that rely on the report, and Wah Chang considers the failure to provide the work papers as grounds for striking those parts of his testimony.

II.

PacifiCorp has objected to data request number 203 on grounds that we consider invalid. *First*, PacifiCorp objects that transaction data for most of the period 2000-2001 is irrelevant because Wah Chang's charges were not based on the COB index "until September 2001." That is incorrect. Wah Chang's indexed pricing began in September 2000 and

continued until the contract expired in September 2002. Consequently, even under PacifiCorp's view of relevance, all 2000-2001 transaction data beginning September 2000 is relevant. More fundamentally, the time period relevant to this proceeding was established by the Marion County Circuit's order permitting Wah Chang to present evidence of western energy market manipulation during 2000-2001. Wah Chang's data requests and PacifiCorp's responses consistently have recognized 2000-2001 as the relevant time period. Further, as you know, Wah Chang believes that PacifiCorp traders participated in manipulative trading beginning not later than the spring of 2000 and continuing until at least the spring of 2001. For all those reasons, the transaction data for the entire period is relevant.

Second, PacifiCorp objects on the ground that the request is "[d]uplicative and redundant" of other, previous requests. This is also incorrect. PacifiCorp's response refers to request number 155, but as the response itself notes that request pertained only to the period July 1, 2000 to November 30, 2000, the period covered by PacifiCorp's response to FERC's data request. The response also refers to request number 154, which dealt only with transactions reported by PacifiCorp to Dow Jones. Those transactions are a small subset of the transactions called for by data request 203.

Third, PacifiCorp objects on the ground that the request is "[o]verbroad and unduly burdensome." The overbreadth objection is not separately explained in the response. If it refers to the claimed irrelevance of parts of 2000-2001, it is answered by the discussion of relevance above. As to burden, Wah Chang believes that the information likely is stored in a computer, is readily accessible and easily can be made available to Wah Chang electronically.

Notwithstanding Wah Chang's view that the objections are not valid, Wah Chang is willing for the purpose of resolving the matter by agreement, to modify the request to include only the period April 1, 2000 to June 30, 2001, exclusive of the period July 1, 2000 to November 30, 2000. Please let me know not later than June 20 whether PacifiCorp is willing to comply with request number 203 as modified by this letter.

Very truly yours,

Richard H. Williams

cc: Mr. Milo Petranovich
006854.0164/632865.1

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June 20, 2007

VIA E-MAIL *(williamsr@lanepowell.com)*
AND REGULAR U.S. MAIL

Richard H. Williams
Lane Powell
601 SW Second Avenue, Suite 2100
Portland, OR 97204-3158

Re: OPUC Docket UM 1002
Wah Chang v. PacifiCorp

Dear Rich:

In response to your June 15 letter concerning PacifiCorp's responses to Wah Chang's Eighteenth Data Requests, we have followed up with Dr. Cicchetti's office and our client, PacifiCorp, regarding the availability of additional data responsive to the items set forth in your letter.

With respect to data request numbers 178, 180-182, 186, and 189, Dr. Cicchetti's office confirmed that the California State Auditor required all supporting material to be submitted to the State, and those materials are no longer available to Dr. Cicchetti. Dr. Cicchetti's office, however, has been successful in tracking down much of what was requested in old files retained in his office and from some alternate sources. Although work papers supporting the entire Audit Report are unavailable, the work papers supporting those portions of the Audit Report cited in Dr. Cicchetti's testimony are being provided. The material that is responsive is being compiled, and will be provided to you no later than Thursday, June 21.

With respect to data request number 203, PacifiCorp is agreeable to providing data responsive to Wah Chang's modified request, which includes only the period April 1, 2000 through June 30, 2001, exclusive of the period July 1, 2000 through November 30, 2000 for which data were previously provided in response to data request number 155. Inasmuch as the transactions included within the scope of this request number in the tens of thousands, the response is voluminous and is still being compiled by PacifiCorp. Without waiving any of the objections

stated in PacifiCorp's June 11 response, hard and electronic copies of the data will be provided to you no later than Friday, June 22.

Please let me know if you have any problems with this schedule and anticipated response. Thank you for your cooperation.

Very truly yours,

James M. Van Nostrand

cc: Natalie L. Hocken, Pacific Power

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1002

Wah Chang, Petitioner, v. PacifiCorp, Respondent.	**PACIFICORP'S SUPPLEMENTAL RESPONSE TO PETITIONER'S EIGHTEENTH DATA REQUEST (Request No. 172-203)**

PacifiCorp responds and objects as follows to Wah Chang's Eighteenth Data Request:

GENERAL RESPONSES AND OBJECTIONS

1. PacifiCorp objects to petitioner's data request to the extent it seeks documents and information other than documents and information in PacifiCorp's possession.

2. PacifiCorp objects to petitioner's data request to the extent it seeks the production of documents protected from disclosure under the attorney-client privilege, the work product doctrine, or any other applicable privilege.

3. PacifiCorp objects to petitioner's data request to the extent it seeks the production of confidential, proprietary, or commercially sensitive documents and information. Any such documents that are produced will be produced only subject to the protective order in place in this matter, Commission Order No. 01-149, or such other protective order as may be necessary.

4. By responding to this data request, PacifiCorp does not in any way waive or intend to waive, but instead intends to preserve, all objections as to the competency, relevancy,

materiality, and admissibility of the responses, of any produced documents, and of the subject matter of the responses and documents.

5. PacifiCorp objects to petitioner's definitions and instructions to the extent they are inconsistent with or broader than PacifiCorp's obligations under the Commission's rules. PacifiCorp objects further to petitioner's definitions and instructions to the extent that those definitions and instructions purport to enlarge, expand or alter in any way the plain meaning and scope of petitioner's requests.

6. For purposes of appeal, PacifiCorp objects generally to this data request on the grounds that this matter is currently before the Commission for the limited purpose of considering certain specific evidence pursuant to ORS 756.600, and there is no basis for conducting additional discovery at this stage of the proceedings. This request, therefore, seeks the production of documents and information not relevant to the procedural posture of Wah Chang's claims and not reasonably calculated to lead to the discovery of admissible evidence.

7. PacifiCorp reserves the right to supplement or amend its responses to this data request upon the discovery of additional documents and information.

8. Each of these general objections is hereby expressly incorporated into the specific responses set forth below.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 203: Please provide a complete and comprehensive set of data documenting PacifiCorp's electricity trading activities for the years 2000 and 2001. Please include at least the following information for each transaction: date and time transaction was made, counterparty, date and hour of delivery, delivery source and destination, volume, price per MWh, an identification of the PacifiCorp trader responsible for the transaction, any comments he or she included in the transaction record, and any unique transaction number PacifiCorp may use

to identify the transaction. Please provide data in CSV, Microsoft Excel, or Microsoft Access format. Please also identify the native format of the data.

RESPONSE: PacifiCorp objects to this request on the following grounds:

(1) **Relevance.** Most of the period for which data is sought is not relevant to the matters at issue in this proceeding. Under the Master Electric Service Agreement, Wah Chang's charges for electric service were not based on the COB Index price until September 1, 2000. "PacifiCorp's electricity trading activities" for periods prior to September 1, 2000 are irrelevant to this proceeding.

(2) **Duplicative and redundant.** Wah Chang has asked for the same or similar information in other data requests in this proceeding. In response to Request No. 155, for example, PacifiCorp provided information with respect to 31,563 transactions between July 1, 2000 and November 30, 2000, and this information included the following detail: trade number, date, point of delivery, counter-party, delivery date, trader desk, buy/sell, hour, rate, price and total. In response to Request No. 154, Wah Chang was provided with data compilations from Dow Jones of all electricity transaction data that PacifiCorp submitted to Dow Jones during the years 2000 and 2001.

(3) **Overbroad and unduly burdensome.** "A complete and comprehensive set of data documenting PacifiCorp's electricity trading activities for the years 2000 and 2001" would comprise tens of thousands of transactions. For the five-month period between July 1, 2000 and November 30, 2000, for example, PacifiCorp was involved in 31,563 transactions. Assuming a comparable level of activity throughout the two-year period would suggest over 150,000 transactions. Moreover, the request is particularly burdensome considering the shortened time for responding to discovery requests at this stage of the proceeding (seven business days). Shortened discovery periods are agreed upon with the understanding that the discovery request will relate specifically the matters discussed in the testimony at issue. There is nothing in the reply testimony of Dr. Cicchetti that reasonably forms the basis for this data request. Rather, the

information sought in this request is the sort of broad inquiry that could have been, and should have been (and, in fact was) requested during the preliminary discovery phases of this proceeding.

Without waiving these objections, PacifiCorp responds as follows:

By letter dated June 15, 2007, counsel for Wah Chang agreed to revise this request to include only the period April 1, 2000 to June 30, 2001, exclusive of the period July 1, 2000 through November 30, 2000. Included as Confidential Attachment to Request No. 203 is the requested information for these time periods. The Confidential Attachment is also provided electronically on the enclosed CD.

DATED: June 22, 2007.

PERKINS COIE LLP

By _____
James M. Van Nostrand, OSB No. 794289
Attorneys for PacifiCorp

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ATTORNEYS & COUNSELORS

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June 25, 2007

VIA ELECTRONIC MAIL (*JVanNostrand@perkinscoie.com*)
AND REGULAR U.S. MAIL

Mr. James M. Van Nostrand
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128

Re: *Wah Chang v. PacifiCorp*, Oregon Public Utility Commission
Docket UM 1002

Dear Jamie:

Thank you for your letter dated June 20, 2007, and for PacifiCorp's supplemental responses dated June 21 and June 22, 2007 to petitioner's eighteenth data request and the attachments and enclosures accompanying the supplemental responses.

Your June 20 letter states that PacifiCorp will provide hard and electronic copies of the transaction data requested in data request number 203, modified as to time period as stated in my letter dated June 15. PacifiCorp's supplemental response dated June 22 included a hard copy of data as Confidential Attachment 203 and stated that the CD enclosed with the supplemental response provided the Confidential Attachment electronically.

However, the CD is not an electronic copy of Confidential Attachment 203 and does not provide all the requested data. In particular, the CD, unlike Confidential Attachment 203, does not provide the hour of delivery.

Please provide another CD that includes the hourly delivery information. Again, Wah Chang believes that PacifiCorp stores this information, with the other information that was provided, in a readily accessible electronic medium.

Very truly yours,

Richard H. Williams

cc: Mr. Milo Petranovich
006854.0164/634086.1

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LONDON, ENGLAND

Williams, Rich

From: Van Nostrand, James M. (Perkins Coie) [jvannostrand@perkinscoie.com]
Sent: Thursday, June 28, 2007 6:35 AM
To: Williams, Rich
Subject: Supplemental Response to Request No. 203

Rich:

We acknowledge receipt of your June 25 letter. PacifiCorp is in the process of compiling an electronic version of the data showing the transactions by hour. Unless there are unanticipated complications, our plan is to transmit these data to you during the day tomorrow (Friday, June 29). Due to the volume of data, there will be 14 separate files, each with one month of transactions. For purposes of email transmission, we will probably split each of the 14 files in half, for a total of 28 separate attachments.

Please let me know if you have problems with these arrangements.

Jamie Van Nostrand

LANE POWELL
ATTORNEYS & COUNSELORS

RICHARD H. WILLIAMS
503.778.2160
williamsr@lanepowell.com

August 17, 2007

VIA ELECTRONIC MAIL *<JVanNostrand@perkinscoie.com>*
AND REGULAR US MAIL

Mr. James M. Van Nostrand
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128

Re: *Wah Chang v. PacifiCorp, Docket UM 1002*

Dear Jamie:

This confirms our telephone conversation today concerning PacifiCorp's response to Wah Chang's Data Request No. 203.

When we researched the response in light of your letter dated August 3, 2007, we realized that the file MKT_10_2000, as it appears on the disk provided with the response, includes transactions for one day only. This may account for the difference between the number of October 2000 transactions mentioned in your letter (68,525) and the number listed in Robert McCullough's presentation (6,137). In any event, please provide the information for all days in October 2000.

Similarly, we discovered that the MKT files for the following additional months included transactions for fewer than all days in the month (the number of days included in the files provided is stated in parentheses): June 2000 (28); November 2000 (19); December 2000 (26). Please provide the information for all days during those months.

Finally, our agreement called for PacifiCorp to produce the information for months beginning April 2000. The information provided begins with the month May 2000. Please provide the information for April 2000.

Very truly yours,

Rich Williams

Richard H. Williams

cc (via e-mail): Ms. Natalie Hocken *<natalie.hocken@pacificorp.com>*

Perkins Coie

1120 N.W. Couch Street, Tenth Floor
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PHONE: 503.727.2000
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Christopher L. Garrett
PHONE: (503) 727-2078
FAX: (503) 346-2078
EMAIL: CGarrett@perkinscoie.com

August 17, 2007

HAND DELIVERED

Richard H. Williams
Lane Powell PC
Suite 2100
601 SW Second Avenue
Portland, OR 97204-3158

Re: Pacificorp/Wah Chang

Dear Rich:

In follow-up to your conversation with Jamie Van Nostrand this morning, we are transmitting herewith replacement data for the month of October 2000, as a supplemental response to Data Request No. 203. We understand you may have additional issues with other data provided in response to Data Request No. 203, which we will review upon receipt of your letter.

Very truly yours,

Chris Garrett

Christopher L. Garrett

CLG:SKR:jm
encs.

cc: Natalie Hocken
James Van Nostrand

24878-0008/LEGAL13484735.1

BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON

UM 1002

Wah Chang,	Petitioner,	**CERTIFICATE OF SERVICE OF WAH CHANG'S MOTION TO COMPEL FULL RESPONSE TO DATA REQUEST NO. 203 AND AFFIDAVIT OF RICHARD H. WILLIAMS IN SUPPORT OF MOTION TO COMPEL**
v.		
PacifiCorp,	Respondent.	**Expedited Consideration Requested**

I certify that on August 21, 2007, I served Wah Chang's Motion to Compel Full Response to Data Request No. 203 and Affidavit of Richard H. Williams in Support of Motion to Compel Full Response to Data Request No. 2003 upon all parties of record in this proceeding, by hand delivering a copy and/or by mailing a copy properly addressed with first class postage, and/or by electronic mail pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

Paul Graham
Department of Justice
Regulated Utility & Business Section
1162 Court St NE
Salem, OR 97301-4096
<paul.graham@state.or.us>
By E-mail and Regular Mail

James M. Van Nostrand
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
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<JVanNostrand@perkinscoie.com>
By E-mail and Hand Delivery

Natalie Hocken
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232
<Natalie.Hocken@PacifiCorp.com>
By E-mail and Regular Mail

Dated at Portland, Oregon, this 21st day of August, 2007.

Richard H. Williams

Richard H. Williams, OSB No. 72284
Of Attorneys for Petitioner Wah Chang

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601 SW 2ND AVENUE, SUITE 2100
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