

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1002

WAH CHANG	)	
	)	
	Petitioner,	
	)	RULING
	)	
v.	)	
	)	
PACIFICORP,	)	
	)	
	Respondent.	
	)	

DISPOSITION: MOTIONS TO COMPEL DENIED

**WAH CHANG’S MOTION**

By motions dated November 6, 2007, Wah Chang “renews” its motion for a ruling requiring PacifiCorp, dba Pacific Power (Pacific Power) to “fully comply” with Wah Chang’s Data Request No. 203 (DR 203). Wah Chang further moves for a ruling requiring Pacific Power to pay Wah Chang’s costs of obtaining the DR 203 data, including experts’ and attorneys’ fees.

In the event that those motions are denied, Wah Chang alternatively moves for a ruling appointing a Commission staff analyst to facilitate production by Pacific Power of a “complete, undamaged data set” and to report to the ALJ about Pacific Power’s responses. If the report confirms that the data provided by Pacific Power are incomplete and damaged, Wah Chang asks that it be awarded its costs of obtaining the DR 203 data, including experts’ fees and attorneys’ fees.

Wah Chang states that it served DR 203 on May 30, 2007, requesting a “complete and comprehensive set of data documenting [Pacific Power’s] electricity trading activities for the years 2000 and 2001.” Wah Chang later limited its request to the period April, 2000, through June, 2001.

Wah Chang filed a motion to compel on August 21, 2007, requesting a ruling compelling Pacific Power to fully comply with the request. In its motion, Wah Chang stated that Pacific Power three times had delivered a data disk as its response, but each disk omitted some of the requested information.

In response to Wah Chang's motion, Pacific Power stated that it would provide the information and argued that the motion was moot. Wah Chang agreed to a deferral of any ruling on the motion.

In its renewed motion, Wah Chang reports that Pacific Power has delivered disks on three more occasions, and on each occasion the data on the disk were incomplete or damaged or both. In the first instance, the disk omitted all transactions for some days, omitted some transactions for some days, and omitted a data field for all transactions. Wah Chang suggested that Pacific Power produce the data in CSV format to avoid errors caused by what appeared to be Pacific Power's "hand copying" of the data from its CSV format to the format in which it was provided to Wah Chang.

In the second instance, Pacific Power produced a disk with the data in CSV format. However, the data were damaged: information appeared in columns or fields where it did not belong. In addition, a number of transactions reported in earlier responses did not appear.

On the third occasion, Pacific Power produced another disk in CSV format. The data again were damaged, and a number of transactions identified in earlier data productions were missing.

In addition, at least one transaction reported to Dow Jones was missing, and others did not match the information Pacific Power sent to Dow Jones. Further, the data did not include transactions between Pacific Power and Enron as recorded in Enron's database.

As noted above, if its motion to compel is denied, Wah Chang requests the appointment of a Commission staff member to facilitate production of "a full data set" and to report on Pacific Power's failures to provide the data. An appropriate choice would be an analyst experienced in handling computerized cost of energy data.

In support of its motions, Wah Chang offers affidavits of Robert McCullough and Richard Williams.

## **PACIFIC POWER'S RESPONSE**

Pacific Power argues that Wah Chang's motion should be denied, "because [Pacific Power] has provided all of the requested data."

Pacific Power states that it has worked "cooperatively" to address Wah Chang's questions about the data provided. According to Pacific Power, the first it learned that Wah Chang was having trouble with the data produced was when Wah Chang indicated it would renew its motion to compel. Pacific Power states that, in response to Wah Chang's motions, Pacific Power's experts "thoroughly analyzed" the data production and have determined that all of Wah Chang's complaints are "groundless."

Pacific Power disputes Wah Chang's claim that the data are "damaged." Pacific Power states that certain records in the data production may have become misaligned because of the presence of commas in some data fields. This is readily

resolved through the use of software, such as Microsoft Access, that can identify and easily realign the misaligned records.

Pacific Power denies that transactions are missing from the data response. According to Pacific Power, all but one of the “missing” transactions are contained within the data production; the other transaction should not have been included in an earlier response and was correctly excluded from the later response.

Pacific Power disputes the claim that its data production omits any transactions reported to Dow Jones. According to Pacific Power, its experts have determined that there is a “perfect match,” in that every transaction at COB, Palo Verde, and Mid-C that Pacific Power reported to Dow Jones is present in the data provided to Wah Chang.

Regarding the alleged omission of an Enron transaction, Pacific Power states that the “missing” transaction is one of nineteen transactions wrongly identified as “missing,” even though they are reported in the data production. Pacific Power further argues that any perceived discrepancy between Pacific Power’s data and Enron’s data could be attributed to errors in the latter.

Regarding Wah Chang’s claim that there is a discrepancy between Pacific Power’s data production and a data set that Pacific Power provided to the FERC in 2002, Pacific Power states that there is no discrepancy and that Wah Chang’s expert is mistaken.

In support of its response, Pacific Power offers the affidavit of Charles J. Cicchetti and Jeffrey A. Dubin.

## **DISCUSSION**

Pacific Power has fully explained any discrepancies or perceived errors in its response to Wah Chang’s Data Request No. 203. Based on the information provided by Pacific Power in its response to the motion and supporting affidavit, Wah Chang has been provided with a full and complete response to its data request and the information necessarily for Wah Chang to derive the relevant data from the response.

Wah Chang’s motions are denied.

Dated at Salem, Oregon, this 7th day of December, 2007.

---

PATRICK POWER  
Administrative Law Judge