

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1670**

COLUMBIA BASIN ELECTRIC  
COOPERATIVE, INC.,

Complainant,

v.

PACIFICORP dba PACIFIC POWER,  
NORTH HURLBURT WIND, LLC,  
SOUTH HURLBURT WIND, LLC,  
HORSESHOE BEND WIND, LLC and  
CAITHNESS SHEPHERDS FLAT, LLC,

Defendants.

**RESPONSE OF DEFENDANTS NORTH  
HURLBURT WIND, LLC, SOUTH  
HURLBURT WIND, LLC,  
HORSESHOE BEND WIND, LLC AND  
CAITHNESS SHEPHERDS FLAT, LLC  
TO PACIFICORP'S MOTION FOR  
CLARIFICATION**

Pursuant to OAR 860-001-0720 and OAR 860-001-0420, Defendants North Hurlburt Wind, LLC, South Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, and Caithness Shepherds Flat, LLC (collectively the "Caithness Defendants") file this response to PacifiCorp's June 9, 2015 Motion for Clarification ("PacifiCorp's Motion") of Order No. 15-110 of the Public Utility Commission (the "Commission") in UM 1670, entered April 10, 2015 (the "Order"). For the reasons stated in PacifiCorp's Motion, and as further elaborated below, the Caithness Defendants support PacifiCorp's Motion.<sup>1</sup>

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<sup>1</sup> The Caithness Defendants submitted a Motion for Reconsideration of the same Order on June 9, 2015. The issue addressed therein is separate from, and not affected by, the issue addressed in PacifiCorp's Motion. Nothing contained in this response is intended to affect the position of the Caithness Defendants as stated therein. The Caithness Defendants continue to reserve their rights to challenge any subsequent orders or action concerning the matters remaining in this docket.

The Caithness Defendants agree with PacifiCorp that, prior to issuance of the Order, neither the Territory Allocation Law nor this Commission’s interpretation of that law established the test for addressing service territory questions such as the one at issue here. Complainant’s own filings reflect this fact as well: Complainant recognized that the Commission had not addressed this specific issue previously, and appeared to promote a different interpretation than that ultimately adopted in the Commission’s Order. *See* March 26, 2014 Amended Complaint, at 8 (alleging PacifiCorp’s provision of service to Shepherds Flat Central violated the Territory Allocation Law, contrary to the “geographic load center test”). Indeed, the Order itself recognized that the Commission was deciding this issue “as a matter of policy to resolve the circumstances presented here.” Order at 8.

Consistent with this understanding, the Caithness Defendants submit that PacifiCorp’s motion for clarification should be granted.

DATED this 24th of June, 2015.

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Of Attorneys for Caithness Defendants

**CERTIFICATE OF FILING AND SERVICE**

**Docket No. UM 1670**

I hereby certify that on the date given below the foregoing **RESPONSE TO PACIFICORP'S MOTION FOR RECONSIDERATION OF DEFENDANTS NORTH HURLBURT WIND, LLC, SOUTH HURLBURT WIND, LLC, HORSESHOE BEND WIND, LLC AND CAITHNESS SHEPHERDS FLAT, LLC** was electronically filed with the Public Utility Commission of Oregon at [puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us).

On the same date, a true and correct copy of the foregoing document was sent to the following parties at the contact information as indicated on the attached Service List as follows:

by electronic mail on the date set forth below; and/or

by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and deposited in the U.S. Mail at Portland, Oregon on the date set forth below.

DATED this 24th day of June, 2015.

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**UM 1670  
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