

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 170

In the Matter of)	
)	
PACIFIC POWER & LIGHT)	APPLICATION FOR RECONSIDERATION
(dba PACIFICORP))	OF THE INDUSTRIAL CUSTOMERS OF
)	NORTHWEST UTILITIES
)	
Request for a General Rate Increase in the)	
Company's Oregon Annual Revenues.)	
_____)	

The Industrial Customers of Northwest Utilities (“ICNU”) requests reconsideration of the decision in Order No. 05-1063 to correct an error of fact. The Oregon Public Utility Commission’s (“Commission”) ruling in Order No. 05-1063 granted, in part, ICNU’s Second Request for Partial Payment and ordered PacifiCorp to pay ICNU \$34,100.05 from the PacifiCorp Issue Fund to ICNU. ICNU believes that the Commission should reconsider its ruling and order PacifiCorp to reimburse ICNU \$59,194.83 out of the PacifiCorp Issue Fund.

I. BACKGROUND

On February 22, 2005, the Commission approved ICNU’s proposed budget for an Issue Fund Grant in this proceeding. Re Pacific Power & Light Co., OPUC Docket No. UE 170, Order No. 05-096 (Feb. 22, 2005). ICNU’s proposed budget was in the amount of \$147,980, including \$56,480 in attorneys fees, \$85,000 in expert witness fees, and \$6,500 in expenses.

On June 8, 2005, the Commission approved ICNU's First Request for a Partial Payment of \$87,979.79 from the PacifiCorp Issue Fund. Re ICNU, OPUC Docket No. UE 170, Order No. 05-730 (June 8, 2005). PacifiCorp paid ICNU the \$87,979.79.

On September 20, 2005, ICNU submitted its Second Request for Partial Payment. ICNU requested payment of the remaining amount in its budget request in UE 170, or a total of \$60,000.21. ICNU's Second Request for Partial Payment included expenses ICNU had incurred since its First Request for Partial Payment. ICNU incurred amounts that exceeded its proposed budget for attorneys fees and expert witnesses fees; however, ICNU only requested reimbursement of the remaining amount in its proposed budget.

On October 5, 2005, the Commission granted, in part, ICNU's Second Request for Partial Payment. Re ICNU, OPUC Docket No. UE 170, Order No. 05-1063 (Oct. 5, 2005) ("Order No. 05-1063"). The Commission ordered PacifiCorp to reimburse ICNU \$34,100.05 from the PacifiCorp Issue Fund. The Commission found that ICNU sought reimbursement of expenses that exceeded the amount requested in the approved budget, and that ICNU was fully reimbursed for all the amounts incurred for expert witness fees. Order No. 05-1063 at 2. ICNU believes this conclusion was based on a misinterpretation of the spreadsheets attached to ICNU's Second Request for Partial Payment.

II. LEGAL STANDARD FOR RECONSIDERATION

Any party may file for reconsideration of a Commission order within sixty days of the date of service of that order. OAR § 860-014-0095(1); ORS § 756.561. The Commission may grant an application for reconsideration “if sufficient reason therefor is made to appear.” ORS § 756.561(1). Under the Commission’s rules, the OPUC may grant reconsideration if the applicant shows that there is: 1) new evidence which was unavailable and not reasonably discoverable before issuance of the order; 2) a change in the law or agency policy since the date the order was issued; 3) an error of law or fact in the order; or 4) good cause for further examination. OAR § 860-014-0095(3).

III. ARGUMENT

ICNU believes the Commission misinterpreted the information in ICNU’s Second Request for Partial Payment when it concluded that the amount authorized in Order No. 05-1063, combined with the \$87,979.79 payment previously authorized, reimburses ICNU for all of its costs expended on expert witness fees.

ICNU has not been reimbursed for all of its costs that it expended on expert witness fees. ICNU’s proposed budget estimated that ICNU would incur \$85,000 in expert witness fees. Confidential Attachment A demonstrates that ICNU has incurred amounts that exceed \$85,000 in expert witness fees.

Confidential Attachment A is a spreadsheet that includes all the amounts that ICNU has incurred in UE 170 through September 2005. Confidential Attachment A establishes that ICNU incurred amounts that exceed its budget for both attorney fees and expert witness fees.

ICNU is not seeking reimbursement from the PacifiCorp Issue Fund of amounts that exceed its total proposed budget. Therefore, ICNU is only seeking reimbursement of \$85,000 in expert witness fees from the PacifiCorp Issue Fund. Similarly, ICNU is only seeking reimbursement of its budgeted amount, or \$56,480, in attorneys fees from the PacifiCorp Issue Fund for its attorneys fees costs in UE 170.

Confidential Attachment A also demonstrates that ICNU has incurred amounts for “expenses” that are less than its proposed budget. To reflect the fact that ICNU has incurred amounts for its expenses that are less than its proposed budget, ICNU is requesting a final additional payment of \$59,194.83 out of the PacifiCorp Issue Fund. If ICNU’s request is granted in full, ICNU should be reimbursed for a total of \$147,174.62.

III. CONCLUSION

ICNU respectfully urges the Commission to reconsider Order No. 05-1063 because the order mistakenly concluded that ICNU was fully reimbursed for all the amounts incurred for expert witness fees. ICNU urges the Commission to order PacifiCorp to compensate ICNU from the Issue Fund for all costs incurred in this proceeding up to the amount included in ICNU’s proposed budget, including an additional \$59,194.83.

Dated this 8th day of November, 2005.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Irion Sanger

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November 8, 2005

Via electronic and US Mail

Filing Center
Administrative Hearings Division
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

Re: In the Matter of PACIFIC POWER & LIGHT Request for a
General Rate Increase in the Company's Oregon Annual Revenues
Docket No. UE 170

Dear Filing Center:

Enclosed please find the Application for Reconsideration of the Industrial Customers of Northwest Utilities in the above-referenced proceeding.

Please note that Attachment A to the Application has been designated confidential and will only be provided to the Commission.

Please call me if you have any questions. Thank you for your assistance.

Sincerely,

/s/ Christian Griffen
Christian W. Griffen

Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Reconsideration of the Industrial Customers of Northwest Utilities upon the parties on the service list by causing the same to be mailed, postage-prepaid, through the U.S. Mail.

Dated at Portland, Oregon, this 8th day of November, 2005.

/s/ Christian Griffen
Christian W. Griffen

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