

UE 170

amount of costs and fees expended by ICNU in UE 170 since its first Request for Partial Payment is shown in Confidential Attachment A. While ICNU has expended a higher amount than ICNU's approved budget, ICNU's requests for payment together equate to \$147,980, which is the amount of the approved budget for ICNU's issue fund grant in this proceeding. ICNU reserves the right to file a Matching Fund Request for the remaining amount that ICNU has expended in this proceeding.

This Request for Payment satisfies the requirements of the IFA as follows:

Section 7.3(a) – The itemized expenses, payees, and hourly rates are attached as Confidential Exhibit A.

Section 7.3(b) – ICNU is a full and active participant in this Docket. ICNU submitted direct and rebuttal testimony, engaged in discovery, participated in settlement discussions, workshops, the hearing, and the oral argument. ICNU submitted a prehearing brief, a posthearing brief, and a reply brief. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU's participation in UE 170.

Section 7.3(c) – ICNU's Issue Fund Grant was not subject to any conditions.

Section 7.4 – All of the expenses included in Exhibit A are Eligible Expenses as defined in Section 7.4 of the IFA because they relate to services provided or expenses incurred by ICNU's outside legal counsel and expert witnesses. Relevant non-privileged documents substantiating the Eligible Expenses in Confidential Exhibit A are available for Commission audit, if requested, pursuant to Section 7.10 of the IFA.

The IFA provides that the granting of “an Issue Fund Grant shall constitute a binding obligation on the Commission to order reimbursement of Eligible Expenses.” IFA § 6.5. Likewise, the intervenor funding rules adopted by the Commission provide that “the terms of an [intervenor funding] agreement will be binding on all organizations seeking a grant under that agreement and will be followed by the

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Commission in administering the agreement.” OAR § 860-012-0100(2). ICNU has satisfied the terms of the IFA and respectfully requests that the Commission approve partial payment of ICNU’s Issue Fund Grant in the amount of \$60,000.21 within 30 days of receiving this Request for Payment as provided in Section 7.6 of the IFA.

Payment should be sent to:

Michael Early
Industrial Customers of Northwest Utilities
333 S.W. Taylor, Suite 400
Portland, Oregon 97204

Dated this 20th day of September, 2005.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Irion Sanger

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