

# Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • mail@dvclaw.com  
Suite 400  
333 SW Taylor  
Portland, OR 97204

January 18, 2011

Hon. Michael Grant  
Oregon Public Utility Commission  
P.O. Box 2148  
Salem, Oregon 97308-2148

Joelle Steward  
PacifiCorp  
825 NE Multnomah St, Suite 2000  
Portland, OR 97232

RE: ICNU Request for Payment of 2010 Preauthorized Matching Grant, PacifiCorp  
Account, Docket No. UM 1357

Dear Hon. Judge Grant and Ms. Steward:

The Industrial Customers of Northwest Utilities ("ICNU") files this request for final payment in the amount of \$57,500 for its 2010 Preauthorized Matching Grant from PacifiCorp's Preauthorized Matching Fund Account. This request for payment is filed pursuant to Section 7.2 of the First Amended and Restated Intervenor Funding Agreement ("IFA"), approved by the Oregon Public Utility Commission ("Commission") by Order No. 07-564 (December 19, 2007). The Commission's rules provide that the terms of a Commission-approved intervenor funding agreement will be binding on all organizations seeking a grant under the agreement and will be followed by the Commission in administering the agreement. OAR 860-012-0100(2).

ICNU meets all of the criteria for payment of a Preauthorized Matching Grant from the PacifiCorp Preauthorized Matching Fund Account, as demonstrated by the following:

1. The current balance in PacifiCorp's Preauthorized Matching Fund Account for use by ICNU for 2010 is \$57,500. Under the IFA, PacifiCorp makes available an Annual Grant Amount of \$57,500, which is added to PacifiCorp's Preauthorized Matching Fund Account each calendar year during the term of the IFA. IFA at § 4.2.2. ICNU has not made a Request for Payment for a Preauthorized Matching Grant for Eligible Expenses incurred in 2010. ICNU does not intend to file another Request for Payment for a Preauthorized Matching Grant for expenses incurred in 2010. IFA at § 7.2. Funds from PacifiCorp's Preauthorized Matching Fund Account are available for use exclusively by ICNU. IFA at § 4.2.2.

2. A Preauthorized Matching Grant from the PacifiCorp Account must be used solely to pay Eligible Expenses for Eligible Proceedings involving PacifiCorp. IFA at § 4.2.2. ICNU requests the payment of a Preauthorized Matching Grant for Eligible Expenses incurred in the following Eligible Proceedings: UE 216, UE 217, UE 219, UM 1050, UM 1208, UE 210, UE 207, UP 266, and UM 1355. Although ICNU has previously filed for Issue Fund Grants in UE 207, UE 210, UE 217 and UE 219, ICNU has spent more in these cases than it originally budgeted for in its Proposed Intervenor Funding Budget. The amounts included in this request are in excess of the Issue Fund amounts, including ICNU's 20% matching contribution. ICNU requests the final payment of the Preauthorized Matching Grant for the expenses listed in Confidential Exhibit A, attached, which are Eligible Expenses under Section 7.4 of the IFA. Confidential Exhibit A is subject to the General Protective Order in Docket No. UM 1357. Order No. 09-119.

3. A Preauthorized Matching Grant may be provided only if ICNU demonstrates that it has used in-house resources or outside funding for at least 50% of the Eligible Expenses for an Eligible Proceeding. IFA at § 7.2. As shown in Confidential Exhibit A, ICNU has used in-house resources and outside funding for 50% of the Eligible Expenses for the Eligible Proceedings listed in Confidential Exhibit A.

4. Section 4.2.2 of the original IFA required that ICNU become precertified (in accordance with Section 5.2 of the original IFA) within one year of the effective date of the original IFA in order to be eligible to receive a Preauthorized Matching Grant. ICNU became precertified as eligible to receive intervenor funding grants under Section 5.2 of the original IFA pursuant to Order No. 03-502, entered by the Commission on August 21, 2003.

Having demonstrated that it meets all of the criteria and conditions for such request, ICNU requests final payment of a Preauthorized Matching Grant from PacifiCorp's Preauthorized Matching Fund Account in the amount of \$57,500. ICNU requests that the Commission grant this request within 30 days of receipt and order PacifiCorp to pay ICNU the amount of \$57,500 within 30 days after receipt of the Commission directive, in accordance with Section 7.2 of the IFA. ICNU requests that the Commission treat Exhibit A as confidential.

Payment should be sent to:

Michael Early  
Industrial Customers of Northwest Utilities  
1300 SW 5th Ave, Suite 1750  
Portland, OR 97201

Request for Payment of a Preauthorized Matching Grant  
January 18, 2011  
Page 3

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely yours,

/s/ S. Bradley Van Cleve  
S. Bradley Van Cleve

Enclosure  
cc: Michael Early