

Attorneys at Law

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

August 4, 2015

# Via Electronic Filing and Federal Express

Public Utility Commission of Oregon Attn: Filing Center 210 High St., Suite 100 Salem OR 97301

#### PACIFICORP dba PACIFIC POWER Re: Application for Approval of Deer Creek Mine Transaction Docket No. UM 1712

Dear Filing Center:

Enclosed for filing in the above-captioned proceeding, please find the Request for Final Payment of Issue Fund Grant and Confidential Exhibit A on behalf of the Industrial Customers of Northwest Utilities.

Pursuant to Section 7.3 of the Intervenor Funding Agreement, Confidential Exhibit A is being submitted in a separate sealed envelope to the Commission and PacifiCorp.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Jesse O. Gorsuch Jesse O. Gorsuch

Enclosure

cc: R. Bryce Dalley Katherine McDowell (via U.S. Mail)

# **BEFORE THE PUBLIC UTILITY COMMISSION**

### **OF OREGON**

# UM 1712

)

)

)

)

)

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Application for Approval of Deer Creek Mine Transaction.

REQUEST FOR FINAL PAYMENT OF ISSUE FUND GRANT OF THE INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES

Pursuant to Section 7.3 of the Second Amended and Restated Intervenor Funding Agreement ("IFA") approved by the Oregon Public Utility Commission ("Commission") by Order No. 12-452 (November 7, 2012), the Industrial Customers of Northwest Utilities ("ICNU") hereby requests final payment of ICNU's Issue Fund Grant in Docket No. UM 1712 in the amount of \$26,700.

On February 13, 2015, ICNU filed a Proposed Budget for an Issue Fund Grant in Docket No. UM 1712 in the amount of \$26,700. On February 20, 2015, the Commission issued Order No. 15-051, approving an Issue Fund Grant for ICNU in the amount of \$26,700. At this time, ICNU requests final payment of the approved Issue Fund Grant in Docket No. UM 1712.

ICNU hereby requests that the Commission authorize final payment of the Issue Fund Grant in the amount of \$26,700. ICNU's expenses are shown in Confidential Attachment A.

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

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

<u>Section 7.3(b)</u> – ICNU has been an active participant in this Docket. ICNU has

#### PAGE 1 – REQUEST FOR FINAL PAYMENT OF ISSUE FUND GRANT OF ICNU

conducted discovery, participated in settlement conferences, filed testimony and entered into a stipulation. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU's participation in UM 1712.

<u>Section 7.3(c)</u> – The Commission approved ICNU's proposed budget on February 20, 2015. In addition, ICNU used its own funds to pay for at least 20% of the Eligible Expenses as required by Section 6.5 of the IFA.

<u>Section 7.3(d)</u> - This Request for Payment constitutes a Final Request for Payment in this Docket.

<u>Section 7.4</u> – 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 "[t]he terms of

an [intervenor funding] agreement are binding on all organizations seeking a grant under that

agreement and will be followed by the Commission in administering the agreement."

OAR § 860-001-0120(2). ICNU has satisfied the terms of the IFA and respectfully requests that

the Commission approve final payment of ICNU's Issue Fund Grant in the amount of \$26,700

from the 2015 PacifiCorp Issue Fund within 30 days of receiving this Request for Final Payment

as provided in Section 7.6 of the IFA.

Payment should be sent to:

Industrial Customers of Northwest Utilities c/o S. Bradley Van Cleve Davison Van Cleve, P.C. 333 SW Taylor, Suite 400 Portland, OR 97204

PAGE 2 - REQUEST FOR FINAL PAYMENT OF ISSUE FUND GRANT OF ICNU

Dated this 4th day of August, 2015.

Respectfully submitted,

# DAVISON VAN CLEVE, P.C.

<u>/s/ S. Bradley Van Cleve</u> S. Bradley Van Cleve 333 S.W. Taylor, Suite 400 Portland, Oregon 97204 (503) 241-7242 telephone (503) 241-8160 facsimile bvc@dvclaw.com Of Attorneys for Industrial Customers of Northwest Utilities