

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 170

In the Matter of

PACIFIC POWER & LIGHT COMPANY  
(dba PacifiCorp)

Request for a General Rate Increase in the  
Company's Oregon Annual Revenues

REMAND PROCEEDING PROPOSED JOINT  
ISSUES LIST

**INTRODUCTION**

On July, 29, 2005, ALJ Grant extended the deadline to submit issues list in this proceeding until August 5, 2005. Accordingly, Staff submits this Joint Issues List. The following parties agree with this Joint Issues List; Hoopa Valley Tribe, Yurok Tribe, Klamath Water Users Association, Public Utility Commission of Oregon Staff, Oregon Natural Resources Council, Pacific Coast Federation of Fisherman's Association, PacifiCorp, and WaterWater of Oregon (collectively "Parties"). Although the Parties agree that this represents the Joint Issues List, they recognize that other parties may raise additional issues and, in turn, parties may object to the inclusion of those issues.

**1. What is the statutory standard applicable to the setting of electric rates for irrigators located within the Klamath River Basin?**

- a. Is the statutory standard applicable to establishing rates for Klamath Basin irrigation customers the "just and reasonable" standard found in ORS §§ 756.040, 757.210 *et seq.*, or does the Klamath River Basin Compact (the "Compact"), ORS § 542.610 *et seq.*, establish a separate and distinct statutory standard ("lowest power rate that may be reasonable") for determining the appropriate rates for Klamath Basin irrigation customers?
- b. If the Klamath River Basin Compact establishes a different statutory standard than the "just and reasonable" standard for determining the appropriate rates for Klamath irrigation customers, 1) what standard does the Compact establish, and 2) what is the effect and meaning of that standard in terms of setting rates?

- c. Does SB 81 prescribe, modify or otherwise affect the applicable statutory standard?

**2. What are the appropriate rates PacifiCorp should charge the Klamath River Basin irrigators for electric service?**

- a. Are the current rates under the On-Project and Off-Project Agreements justifiable according to the “applicable statutory standard to the setting of electric rates for irrigators located within the Klamath River Basin?” (*i.e.*, are the current rates “just and reasonable” or consistent with the “lowest power rate which may be reasonable” standard in the Compact, whichever is applicable?).
- b. Should the Klamath Basin irrigation customers be included in the standard class of irrigation customers, or is there substantial and reasonable basis for establishing a separate and distinct class of irrigation customers in the Klamath Basin for purposes of service and rates (*i.e.*, a separate service classification under ORS § 757.230)?
- c. If it is determined that Klamath Basin should *not* be included in the same class as other Oregon irrigation customers and a different rate than the standard irrigation tariff is justified, what is the appropriate rate?

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3. **If any rate change affecting these customers is implemented, how and when should these customers be transitioned from the rates established in the historical contracts?**
- a. Are the provisions of SB 81 applicable to such a rate change and, if so, how should this legislation be implemented with respect to these customers?

### **CONCLUSION**

For the foregoing reasons, Staff respectfully requests that the Joint Issues List be adopted.

DATED this 5<sup>th</sup> day of August 2005.

Respectfully submitted,

HARDY MYERS  
Attorney General

/s/Jason W. Jones

Jason W. Jones, #00059  
Assistant Attorney General  
Of Attorneys for Public Utility Commission of  
Oregon Staff

## CERTIFICATE OF SERVICE

I certify that on August 5, 2005, I served the foregoing upon the parties hereto by sending a copy by electronic mail and by mailing a true, exact and full copy by regular mail, postage prepaid on August 8, 2005:

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