CABLE HUSTON CABLE HUSTON BENEDICT HAAGENSEN & LLOYD LLP + ATTORNEYS

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November 8, 2013

### **VIA ELECTRONIC FILING & U.S. MAIL**

Oregon Public Utility Commission Attn: Filing Center 3930 Fairview Industrial Drive SE PO Box 1088 Salem, OR 97308

> Re: In the Matter of the Complaint of COLUMBIA BASIN ELECTRIC COOPERATIVE, INC., an Oregon cooperative corporation, against PACIFICORP, dba Pacific Power, an Oregon business corporation, and NORTH HURLBURT WIND, LLC, a foreign limited liability company **Docket No. UM 1670**

Dear Filing Center:

Enclosed please find the original and one (1) copy of the UMATILLA ELECTRIC COOPERATIVE'S PETITION TO INTERVENE and WAIVER OF PAPER SERVICE in the above-referenced docket.

Thank you for your assistance with this filing. Should you have any questions, please feel free to contact me.

Very truly yours,

Tommy A. Brooks

TAB:sk Enclosures

cc: UM 1670 Service List

## **BEFORE THE PUBLIC UTILITY COMMISSION**

#### **OF OREGON**

#### UM 1670

In the Matter of

# COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.,

Complainant;

vs.

PACIFICORP dba PACIFIC POWER,

and

NORTH HURLBURT WIND, LLC,

Defendants.

UMATILLA ELECTRIC COOPERATIVE'S PETITION TO INTERVENE

and Waiver of Paper Service

Pursuant to ORS § 756.525 and OAR § 860-001-0300(2), Umatilla Electric Cooperative ("UEC") hereby submits this Petition to Intervene in the above-captioned proceeding and seeks party status as provided in OAR § 860-001-0300(7). In support of this Petition to Intervene, UEC states as follows:

1. The name and address of UEC as a party of record in this proceeding is:

M. Steven Eldrige P.O. Box 1148 750 W. Elm Street Hermiston, OR 97838 Telephone: (541) 564-4111 Facsimile: (541) 567-8142 E-Mail: steve.eldrige@umatillaelectric.com

Thomas M. Grim and Tommy A. Brooks from the law firm Cable Huston Benedict Haagensen & Lloyd LLP will represent UEC in this proceeding. In addition to Mr. Eldrige, all documents related to this proceeding should be served on UEC's attorneys at the following address:

Thomas M. Grim Tommy A. Brooks Cable Huston 1001 SW Fifth Ave., Suite 2000 Portland, OR 97204-1136 Telephone: (503) 224-3092 Facsimile: (503) 224-3176 E-Mail: tgrim@cablehuston.com tbrooks@cablehuston.com

- 2. UEC is an Oregon Electric Cooperative corporation that provides electric services in a large portion of the Columbia Basin and Blue Mountain country of Northeastern Oregon. The cooperative's territory is located west of Boardman in Morrow County and covers much of Umatilla County surrounding the cities of Hermiston and Pendleton and into the Blue Mountains.
- 3. On August 28, 2013, Columbia Basin Electric Cooperative filed a complaint alleging certain violations of its exclusive service territory by PacifiCorp and North Hurlburt Wind, LLC. UEC provides service in an exclusive service territory adjacent to the territories of both Columbia Basin Electric Cooperative and PacifiCorp. The legal and factual issues addressed in this matter may therefore impact UEC's rights and obligations in its own exclusive service territory or in unallocated service territories.
- UEC plans to fully participate in this proceeding, including providing legal arguments through briefing, and participating in the hearing if necessary. UEC's participation, however, will not unreasonably broaden the issues, unduly burden the record, or delay the proceeding. No other party in this proceeding fully represents UEC's interests.

- 5. The Prehearing Conference Memorandum issued on October 8, 2013 did not establish a deadline for parties to intervene in this matter. ORS 756.525 provides that a person may petition to intervene at any time before the close of the record. The record has not yet closed in this matter and intervention at this time is therefore still appropriate.
- 6. UEC waives paper service of documents in this proceeding.

WHEREFORE, UEC respectfully requests leave to intervene and requests all the rights of a party in this proceeding.

Dated this 8th day of November 2013.

Respectfully submitted,

Thomas M. Grim, OSB No. 882182 Tommy A. Brooks, OSB No. 076071 Cable Huston 1001 SW Fifth Ave., Suite 2000 Portland, OR 97204-1136 Telephone: (503) 224-3092 Facsimile: (503) 224-3176 E-Mail: tgrim@cablehuston.com tbrooks@cablehuston.com

Of Attorneys for the Umatilla Electric Cooperative

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#### **CERTIFICATE OF SERVICE**

I CERTIFY that I have on this day served the foregoing document upon all parties of

record in this proceeding via electronic mail and/or by mailing a copy properly addressed with

first class postage prepaid.

Charles N. Fadeley PO Box 1408 Sisters, Oregon 97759 fade@broadband.com

John A. Cameron Derek D. Green **Davis Wright & Tremaine, LLP** 1300 SW Fifth Avenue, Suite 2300 Portland, Oregon 97201 johncameron@dwt.com; derekgreen@dwt.com

Ted Case Oregon Rural Electric Cooperative Assn. 698 12<sup>th</sup> Street, SE, Suite 210 Salem, Oregon 97301 tcase@oreca.org Jerry M. Healy Columbia Basin Electric Cooperative PO Box 398 Heppner, Oregon 97836-0398 jerryh@columbiabasin.cc

Raymond Kindley Kindley Law, PC PO Box 569 West Linn, Oregon 97068 kindleylaw@comcast.net

Michelle R. Mishoe **Pacific Power** 825 NE Multnomah, Suite 1800 Portland, Oregon 97232 <u>Michelle.mishoe@pacificorp.com</u> <u>oregondockets@pacificorp.com</u>

Dated in Portland, Oregon, this 8th day of November 2013.

M1.73~

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