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August 29, 2005

Public Utility Commission of Oregon
ATTN: Filing Center
550 Capitol St., NE #215
P.O. Box 2148
Salem, OR 97308-2148

RE: In the Matter of Pacific Power & Light (dba PacifiCorp) Request for a General
Rate Increase in the Company's Oregon Annual Revenues
Docket No.: UE-170

Dear Clerk:

Attached please find for electronic filing the following document:

1. **YUOK TRIBE'S BRIEF ON RATE STANDARD**

The original and five (5) copies of the document have been forwarded to your offices by first class mail.

Should you have any questions regarding this matter, please do not hesitate to contact our Berkeley office.

Very truly yours,

ALEXANDER, BERKEY, WILLIAMS & WEATHERS LLP

/s/ Scott W. Williams
Scott W. Williams

Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

Docket No. UE 170

In the Matter of)	
)	
PACIFIC POWER & LIGHT (dba PacifiCorp))	YUOK TRIBE’S
)	BRIEF ON RATE
Request for A General Rate Increase in the)	STANDARD
Company’s Oregon Annual Revenues)	
(Klamath River Basin Irrigator Rates).)	

The Yurok Tribe files this brief in accordance with the Commission’s June 30, 2005, Prehearing Conference Memorandum and the Commission’s August 17, 2005, Ruling Adopting Issues List.

The Commission asks the parties to set forth their views on “the statutory standard applicable to the setting of electric rates for irrigators located within the Klamath River Basin.” Commission’s Ruling at 1 (8/17/05). The Yurok Tribe’s position can be stated simply.

The authority delegated by the Oregon Legislature to this Commission requires that the Commission set rates which are just, reasonable and fair. ORS § 756.040 (as amended 1971, 1973, 1987, 1995 and 2001) (Commission’s obligation is to protect utility customers from “unjust and unreasonable exactions and practices and to obtain for them adequate service at fair and reasonable rates.”); ORS § 756.210 (rate schedule is to be “just and reasonable”).

There is nothing in the Klamath Basin Compact adopted in 1957, which alters that duty imposed upon this Commission. ORS 542.610 (1957) (legislature ratifies Klamath Basin Compact); ORS § 642.620, Article IV (“objective” of Oregon is to secure “lowest power rates which may be reasonable for irrigation”). There is no suggestion in the language of the rate

standard statutes and the Compact, nor in the amendments to the rate standards sections over the five decades after adoption of the Compact, that there is any conflict between rates which are “just and reasonable” for all ratepayers and those which are the “lowest” “reasonable” rates for Klamath Irrigators. *See, e.g., Cascade Natural Gas Corporation v. Davis*, 19 P.U.R. 4th 270, 28 Or. App. 621 (1977)(“The Commissioner’s duty to oversee the interests of consumers incorporates the duty to guard against disparate and unfair rates.”)

Nor do S. B. No. 81's amendments to the Commission’s authority regarding rate differentials, affect the underlying obligation to protect Oregon utility customers by requiring only “just and reasonable” rates. ORS § 757.310 (as amended 2005). The amended section addresses the consequences of rate increases and requires “mitigation” measures for a certain class of customers. *Id.* at 3.(3) and (5). The statute providing the general authority of the Commission to set “just and reasonable” rates was not amended. The duty to set only “just and reasonable rates” was not changed.

CONCLUSION

The Yurok Tribe states that the Commission’s obligation to set rates which are just, reasonable and fair to all customers is unchanged. The Yurok Tribe otherwise joins in the analysis of the Hoopa Valley Tribe as to the rate standard, and for the sake of economy, does not repeat that analysis here.

Dated: August 29, 2005

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ACKNOWLEDGMENT OF SERVICE

I certify that I have this day caused to be served the foregoing document:

1. **YUOK TRIBE'S BRIEF ON RATE STANDARD**

upon all parties of record in this proceeding by mailing a copy properly addressed with first class postage prepaid or by electronic means pursuant to OAR 860-013-0070, to the following parties or attorneys or parties:

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I further certify that on August 29, 2005, in addition to filing the document electronically, I caused to be mailed the original and five (5) copies of the Yurok Tribe's Brief on Rate Standard with the Public Utility Commission of Oregon, via first class mail, to the following address:

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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 29, 2005, at Berkeley, California.

/s/ Scott W. Williams
Counsel for the Yurok Tribe