

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

Docket No. UE 170

In the Matter of)	
PACIFIC POWER & LIGHT (dba PacifiCorp))	WATERWATCH OF
)	OREGON, OREGON
Request for a General Rate Increase in the)	NATURAL RESOURCES
Company's Oregon Annual Revenues)	COUNCIL AND PACIFIC
)	COAST FEDERATION OF
)	FISHERMEN'S
)	ASSOCIATIONS
)	REPLY BRIEF ON
)	RATE STANDARD
)	
(Klamath River Basin Irrigator Rates))	
)	

=====

I. Introduction

WaterWatch of Oregon, Oregon Natural Resources Council and Pacific Coast Federation of Fishermen's Associations respectfully submit this reply brief on the rate standard. The brief is organized according to the rate standard issues and sub-issues identified in the August 17, 2005 Ruling on the Issues List as follows:

1. What is the statutory standard applicable to the setting of electric rates for irrigators located within the Klamath 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.*, the "lowest power rate that may be reasonable" standard found in the Klamath River Compact (the "Compact"), ORS § 542.610 *et seq.*, or some other standard?
 - b) If the Klamath River 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 rate setting?

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

Each of the sub-issues to this primary issue is discussed separately below. We reserve our right to fully brief and argue on other points relevant to the other issues identified in the August 17, 2005 ruling, for which briefing schedules have not yet been established.

II. Analysis

1. What Is The Statutory Standard Applicable To The Setting Of Electric Rates For Irrigators Located Within The Klamath Basin?

- a) Sub-Issue (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.*, The “Lowest Power Rate That May Be Reasonable” Standard Found In The Klamath River Compact (The “Compact”), ORS § 542.610 *et seq.*, Or Some Other Standard?
 - i) Statutes Governing PUC Rate-Setting Provide A Specific, Comprehensive, Detailed And Particularized System For Making Electric Rate Determinations.

ORS Chapters 756 and 757 *et seq.* collectively provide a comprehensive, particularized and detailed structure, as well as a specific standard reiterated in several ways, for determining public utility service rates of all sorts, based on the principle that these rates must be fair, just, reasonable and non-discriminatory as to other similarly situated rate-payers. Among the many specific provisions of these chapters are the following:

ORS 756.040(1): In addition to the powers and duties now or hereafter transferred to or vested in the Public Utility Commission, the commission shall represent the customers of any public utility or telecommunications utility and the public generally in all controversies respecting rates, valuations, service and all matters of which the commission has jurisdiction. In respect thereof the commission shall make use of the jurisdiction and power of the office to protect such customers, and the public generally, from unjust and unreasonable exaction and practices and to obtain for them adequate service at fair and reasonable rates. The commission shall balance the interests of the utility investor and the

consumer in establishing fair and reasonable rates. Rates are fair and reasonable for the purposes of this subsection if the rates provide adequate revenue both for operating expenses of the public utility or telecommunications utility and for capital costs of the utility, with a return to the equity holder that is:

- (a) Commensurate with the return on investments in other enterprises having corresponding risks; and
- (b) Sufficient to ensure confidence in the financial integrity of the utility, allowing the utility to maintain its credit and attract capital.” (emphasis added)

ORS 757.210(1): Whenever any public utility files with the Public Utility Commission any rate or schedule of rates stating or establishing a new rate or schedule of rates or increasing an existing rate or schedule of rates, the commission may, either upon written complaint or upon the commission’s own initiative, after reasonable notice, conduct a hearing to determine the propriety and reasonableness of such rate or schedule.... At such a hearing the utility shall bear the burden of showing that the rate or schedule of rates proposed to be established or increased or changed is just and reasonable. (emphasis added)

ORS 757.310(2): A public utility may not charge a customer a rate or an amount for a service that is different from the rate or amount the public utility charges any other customer for a like and contemporaneous service under substantially similar circumstances.

ORS 757.325: (1) No public utility shall make or give undue or unreasonable preference or advantage to any particular person or locality, or shall subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect. (2) Any public utility violating this section is guilty of unjust discrimination. (emphasis added)

Though the words vary slightly with different linguistic formulations, the general standard is reasonableness and fairness. In these and numerous other provisions of Chapters 756 and 757 *et seq.* it is clear that the Public Utility Commission (“Commission” or “PUC”), and no other entity, is charged with determining public utility electric power rates throughout the state, based on the “just and reasonable” standard. Nowhere in this extensive statutory scheme is there *any* provision for any other or different standard.

ii) Article IV Of The Compact Contains Only Generalized Objectives Or Purpose Statements.

The briefs of the Klamath Water Users Association (“KWUA”) and the Klamath Off-Project Water Users (“KOPWU”) (collectively “Irrigators”), and of the Bureau of Reclamation and U.S. Fish and Wildlife Service (collectively “BOR”) all assert that a single passing reference to power rates contained in the Article IV of the Klamath Compact, ratified and later codified at ORS § 542.620, essentially overrides all prior PUC rate-setting standards and procedures, creates a mandatory new standard for determining these power rates that is now binding upon the PUC, and in effect preempts and supersedes all other standards for this one geographical area.

However, looking closely at Article IV, it appears that the plain meaning of that provision is not what is purported by the Irrigators and BOR. Indeed, Article IV states, *in clear language, that these are simple objectives*, akin to broad and generally non-binding Legislative purpose statements in many statutes. Moreover, Article IV states specifically that these objectives relate to plans for the use and distribution of water, not to the setting of power rates, rate structures, rate classes or any other regulatory activity besides water management planning:

ORS 542.620: It shall be the objective of each state, in the formulation and execution and the granting of authority for the formulation and execution of plans for distribution and use of the waters of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water or other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainable pumping, including pumping from wells. (emphasis added)

The Public Utility Commission is clearly not a body responsible “for the formulation and execution of plans for the distribution and use of waters” and therefore Article IV, even if it contained actual requirements and not general objectives, cannot and should not be used to constrain or guide the Commission’s decision in this rate case.¹

The Irrigators and BOR have also asserted in their briefs that Article IV’s generalized statement of broad water policy objectives not only somehow establishes a different as well as mandatory PUC standard for setting electric power rates, but that this

¹ Neither the Irrigators nor BOR now apparently assert that the Klamath Compact Commission or the Water Resources Department should set these power rates, as to do so would be insupportable. Neither

purported new standard is somehow different and distinct from the “just and reasonable” or “fair and reasonable” standard that the PUC applies in every other instance and is made mandatory by law throughout ORS Chapters 756 and 757. The Irrigators base this argument primarily on rules of statutory construction, including ORS 174.020(2) which provides that “[w]hen a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.”

However, contrary to their assertions, it is the PUC rate-setting authority under ORS Chapters 756 and 757 which is specific, particularized and comprehensive, not ORS § 542.620 which, at best, refers to power rates only incidentally and as part of a generalized water management planning objective. In other words, the Irrigators and BOR have it backwards, and their own primary statutory construction argument leads to precisely the opposite conclusion. Therefore, as between the two provisions, the far more specific PUC’s comprehensive rate-setting authority under ORS Chapters 756 and 757 must prevail, and Article IV of the Compact must be interpreted to be consistent with ORS §§ 756.040, 757.210 *et seq.*

Likewise the most important rule of statutory construction, that one must first and foremost look to the “plain meaning” of a statute before anything else, also defeats the Irrigators’ argument. If the plain meaning of a statute is clear, further inquiry is unnecessary. *See Connecticut Nat’l Bank v. Germain*, 503 U.S. 249, 253-54 (1992)²; *PGE v. Bureau of Labor & Industry*, 317 Or. 606, 610-611, 859 P.2d 1143, 1146 (1993). Article IV, by its own unambiguous terms, sets forth mere generalized “objectives” that state water use planning agencies should consider when doing something not at issue here (formulating and executing water distribution plans). This provision, by its own terms, does not create new, nor supersede old, PUC jurisdiction and authority. Article IV is also codified in the Water Resources portions of the Oregon Codes at Title 45. Had the Legislature intended the broad and sweeping outcome asserted by the Irrigators,

agency is given any authority over public utilities regulation under Oregon law, a regulatory realm that has always been occupied by the Public Utility Commission.

² The U.S. Supreme Court in *Connecticut Nat’l Bank* noted: “We have stated time and again that courts must presume that a legislature says in statute what it means and means in a statute what it says. When the words of a statute are unambiguous, then, this first canon is also the last: ‘judicial inquiry is complete.’” 503 U.S. 249, 253-254.

including supplanting the long-held “just and reasonable standard” which the PUC has applied in every other similar rate case, it would surely have said so in unambiguous terms through an amendment in the Public Utilities Code (Title 57), where such an amendment would belong.

Nor can it be said that Article IV and ORS Chapters 756 and 757 are even “related statutes.” One, Article IV, states a non-binding, bi-state water management objective that is contained in an agreement between two states and the federal government aimed at resolving long-standing inter-state water use disputes. The other is a specific set of Oregon-only, comprehensive and mandatory standards and detailed procedures for establishing and regulating public utility rates. Thus the Irrigators’ use of *Premier West Bank v. GAS Wholesale LLC* (196 Or.App. 640, 651, 103 P.3d 1169, 1176 (2004) (“ordinarily, when the legislature has used different terms in *related statutes*, we infer that it intended different meanings”)) is inappropriate because the two statutes are not comparable, nor are they “related statutes.”

Except for some peripheral references to hydropower in the overall context of water, Article IV refers to water development and inter-state water dispute resolution. Hence it was codified in Title 45 together with Water Resources Department authority and most other water-related statutes. The statutory meaning of a word or phrase in any statute must be understood in light of the underlying purpose for which the statute was enacted. *American Trust Co. v. McCallister*, 136 Or. 338, 344, 299 P. 319 (1931). A single phrase in an unrelated water use statute can hardly be bootstrapped into a major amendment to the laws governing far more comprehensive public utilities regulation.

In other words, the Irrigators and BOR would have this Commission ignore the plain language and meaning of Article IV to leverage an apparently non-binding water policy guidance statement into a vehicle to force the Commission to supplant its long-held standard for setting rates in favor of a unique new standard the Irrigators believe would be more to their benefit. However, the best evidence of Legislative intent is the plain meaning of Article IV, which by its own terms says it contains merely policy “objectives,” not mandates. *State v. Moore*, 172 Or.App. 371, 379, 19 P.3d 911, 915 (2001), *review denied* 332 Or. 250, 27 P.3d 1044.

The BOR analysis suffers from the same flaws of interpretation as the briefs of the Irrigators. The cases cited in the BOR brief, *Bobo v. Kulongoski*, 338 Or. 111, 119, 107 P.3d 18, 22 (2005) and *State v. Guzek*, 322 Or. 245, 268, 906 P.2d 272, 286 (1995) presume either that Article IV is more specific in its structure and nature than ORS Chapters 756 and 757 when just the opposite is true, leading inevitably to the opposite conclusion, or alternatively that these are “related statutes” dealing with the same subjects, when they simply are not.

That single, isolated and peripheral mention of power rates in a non-binding objective statement in Article IV, embedded deep within an interstate water dispute resolution agreement, in turn placed in Oregon’s Water Resources Code (Title 45) and not its Utilities Code, is far too shaky a scaffold on which to construct a whole new power rate standard and rate-setting process, particularly since this would fly in the face of other far more specific, intentionally comprehensive and definitely *mandatory* language in ORS § 756.040, 757.210 and numerous other provisions of ORS Title 57, Chapters 756 and 757.

iii) Article IV Of The Compact Does Not, In Any Of Its Terms, Specifically Preempt, Supersede, Overturn Or Otherwise Repudiate Generally Applicable And Long-Standing PUC Authority Under ORS Chapters 756 And 757.

In order to prove their assertion that Article IV in effect supersedes, preempts or overrides long-standing PUC standards that that have been applied in every other similar Oregon rate case for many decades, the Irrigators clearly have a heavy burden of proof to demonstrate that assertion from the plain language of the Compact.

However, *nowhere* in Article IV of the Compact, nor in any other provision of the Compact, is there *any reference* to superseding, overriding or preempting the PUC jurisdiction or authority of either Oregon or California. The codification of Article IV of the Compact is not even in the same statutory section as the laws governing the PUC. Certainly California has never interpreted the Compact as making such sweeping changes to its own PUC laws or standards. Nor should Oregon.

Furthermore, the Klamath Compact was adopted in 1957, and has remained unchanged since then.³ The provisions of ORS § 756.040, however, were reviewed and amended by the Legislature since that time in 1961, 1971, 1973, 1987, 1995 and 2001.⁴ Though it could have done so any of these times, at none of these times has the Legislature made any reference to, inserted or created any new, separate or different standard than the “just and reasonable” standard that has long been the backbone of PUC rate-setting decisions. Nor is there any reference to the Klamath Compact anywhere in Title 57 from which to infer any different standard.

Without substantial case law, past PUC rulings, or some separate statutory authority supporting the Irrigators’ claim that Article IV in Title 45 was intended by the Legislature to effectively overturn the standards and procedures for setting these rates that are clearly delineated, and made mandatory, throughout Title 57, ORS Chapters 756 and 757, there is no credible claim that this one passing reference within a statement of general objectives in a water law statute unrelated in any other way to PUC authority is enough to prove that assertion. In absence of plain and clear legislative language that unambiguously amends the relevant PUC statutes in ORS Chapters 756 and 757 to create a new and separate standard, the “just and reasonable” standard found in ORS §§ 756.040, 757.210 *et seq.* remains the sole standard applicable.

- iv) Even If The Compact Were Somehow Applicable Here,
The Operative Standard In Both Provisions Is
“Reasonable,” Which Has The Same Meaning In Both.

The Compact simply does not provide the applicable standard here. But even if it were somehow relevant, what has been forgotten throughout this increasingly arcane semantic debate is that the operative word at issue in both Article IV language and ORS § 756.040 as well as ORS § 757.210 *et seq.* is the same word “reasonable.”

Logically, either the word “reasonable” means the same thing in both provisions (Article IV and ORS § 756.040) or it must mean something different in each. In order to allow the Article IV language, based on the same word “reasonable,” to be a different and

³ Laws 1957, c. 142, §1.

distinct standard than “reasonable” in ORS §756.040, one would have to accept that the term “reasonable” in the Article IV provision is somehow of a different nature or meaning than that same term expressed as “just and reasonable” and “fair and reasonable” in ORS §§ 756.040 and 757.210 *et seq.* However, there is no evidence that this is the case, and every reason to believe that “reasonable” in every one of these code sections means precisely what “reasonable” means in all the others. The addition of modifiers, in this case “just,” “fair” or even “lowest cost,” simply cannot be stretched to the limits of creating two distinct and different “reasonable” standards from the same operative word.⁵ Words of common usage in a statute should be given their plain, natural and ordinary meaning by the courts (*State v. Moore, supra*).

In the end there simply *is* no other standard but what is just and reasonable, and the best and most detailed embodiment of that standard (including clear and detailed instructions regarding specific applications) is in ORS § 756.040 as well as ORS § 757.210 *et seq.* No amount of semantic gymnastics nor legalistic hair-splitting can create a separate standard from Article IV without violating both common English usage and numerous rules of statutory construction.

- b) Sub-Issue (B): If The Klamath River 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 Rate Setting?

As demonstrated above, the Klamath Compact Article IV language cannot and does not establish a different statutory standard than the “just and reasonable” standard of ORS § 756.040 as well as ORS § 757.210 *et seq.*

⁴ These amendments were, respectively, adopted as Laws 1961, c. 467, §1; Laws 1971, c. 655, §9; Laws 1973, c. 776, §15; Laws 1987, c. 446, §76; Laws 1995, c. 733, §53, and; Laws 2001, c. 569, §1.

⁵ Indeed, the term “reasonable” is often defined as including the concepts of “just” or “fair” in common English language. A very common definition of “reasonable” is “amenable to reason; just” (Webster’s *World Dictionary of the English Language*, College Edition (1968)). See also, Burton’s *Legal Thesaurus*, 3rd Edition (1998) which indicates that both “fair” and “just” are common synonyms of “reasonable.” See also, *Black’s Law Dictionary*, 7th Edition (1999) in which “reasonable” is defined as one meaning of the term “fair.” See also, Webster’s *Third New International Dictionary* (1993), in which “fair” is also defined as “reasonable” as well as a common synonym of “just.” Not surprisingly, “high-priced,” “costly” and

For the sake of argument, even if the Compact applied, under any plain reading of Article IV using commonly understood dictionary English, Article IV’s passing reference to power rates must boil down to and mean the same thing as the standard delineated in much more detail under ORS § 756.040 as well as ORS § 757.219 *et seq.* Since the Compact objective is in no way incompatible with the standards in ORS § 756.040 as well as ORS § 757.210 *et seq.*, then the more detailed explanation of what fair and reasonable means in practice is what is in those key sections, as follows:

ORS 756.040(1): Rates are fair and reasonable for the purposes of this subsection if the rates provide adequate revenue both for operating expenses of the public utility or telecommunications utility and for capital costs of the utility, with a return to the equity holder that is:

- (a) Commensurate with the return on investments in other enterprises having corresponding risks; and
- (b) Sufficient to ensure confidence in the financial integrity of the utility, allowing the utility to maintain its credit and attract capital.

limited, of course, by the separate requirement of non-discrimination:

ORS 757.310(2): A public utility may not charge a customer a rate or an amount for a service that is different from the rate or amount the public utility charges any other customer for a like and contemporaneous service under substantially similar circumstances.

c) Sub-Issue (C): Does SB 81 Prescribe, Modify Or Otherwise Affect The Applicable Statutory Standard?

SB 81 is nothing more than a rate transition rebate system designed to phase in the standard tariff rates over a period of time of up to 7 years, and as such does not prescribe, modify or otherwise affect the applicable statutory standard which, as demonstrated above, is the “just and reasonable” standard best embodied in ORS § 756.040 and ORS § 757.210 *et seq.* The PUC is the agency charged with that authority, under those statutes in Title 57.

“expensive” are all common *antonyms* of “reasonable.” See for instance, Joseph Devlin’s *A Dictionary of Synonyms and Antonyms*, (1937).

It should be noted that although the 2005 Legislature passed SB 81 specifically to address the Klamath Basin rate change transition issue, the law maintained all existing prohibitions against discriminatory rates. The law continues to read:

“ORS 757.310: (1) A public utility may not charge a customer a rate or an amount for a service that is different from the rate or amount prescribed in the schedules or tariffs for the public utility.

(2) A public utility may not charge a customer a rate or an amount for a service that is different from the rate or amount the public utility charges any other customer for a like and contemporaneous service under substantially similar circumstances.”

With SB 81 amendments, *only three* special circumstances are allowed as exceptions to this rule. None of them involves the creation of any special standard or special class by the Public Utility Commission, even though the Legislature could have designated one had it chosen to do so.

Nor does the existence of SB 81 indicate any Legislative intent to create any special classes in the Klamath Basin as asserted by the BOR in their brief. In fact, SB 81 indicates just the opposite. Indeed, by its own terms SB 81 cannot apply unless Klamath Basin irrigators are brought up to the standard and generally applicable irrigation tariff.⁶ Special rates short of that might well disqualify them from SB 81 rate shock protections altogether.

⁶ SB 81, Sec. 3, at (2)(a) reads: “The Public Utility Commission shall require that an electric company mitigate a rate increase payable by a class of customers described in subsection (5) of this section if: (a) the increase results from transition to an electric company’s generally applicable cost-based rate from the rates established under the contracts described in subsection (5) of this section; and (b) the increase in the costs of electricity to that class of customers by reason of the transition will exceed 50 percent during the first 12 calendar months after the transition occurs.” SB 81 subsection (5) is worded so that it can only apply to the Klamath Irrigators’ special 50-year contract rates, which are about to expire. It might very well *not* apply, however, *unless* irrigators are indeed being brought up to standard and “generally applicable” irrigation rate tariffs, which would not happen if they were given a special rate of their own short of the standard irrigation rate for all other irrigation users.

III. Conclusion

The only applicable statutory standard here is the “just and reasonable” standard found in ORS §§ 756, 757 *et seq.* There is nothing in the general, and clearly non-biding, policy “objective” language in the Klamath Compact at Article IV, nor in any other section of the Compact, nor in any other provision of law, nor in any case law, to indicate that anything in the Compact was intended to specifically override or preempt the Commission’s long-standing statutory standards, nor to supplant its extensive, comprehensive and mandatory regulatory duties under ORS § 756.040 and § 757.210, *et seq.* to ensure that rates are “just and reasonable” as well as non-discriminatory. Therefore, we respectfully urge the Commission to simply ensure the Klamath Basin irrigation rates – like all other rates – are “just and reasonable” and in accordance with ORS § 756.040 and § 757.210 *et seq.*

Respectfully submitted this 16th day of September, 2005,

John DeVoe OSB # 90247
Lisa Brown OSB # 02524
WaterWatch of Oregon
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: (503)295-4039
Fax: (503)295-2791
E-mail: john@waterwatch.org
lisa@waterwatch.org

Counsel for WaterWatch of Oregon
For WaterWatch

Jim McCarthy
Oregon Natural Resources Council
PO Box 151
Ashland, OR 97520
Phone: (541) 201-1058
Fax: (541) 482-7282
E-mail: jm@onrc.org

Glen Spain, NW Regional Director
Pacific Coast Federation of
Fishermen's Associations
PO Box 11170
Eugene, OR 97440-3370
Phone: (541)689-2000
E-mail: fish1ifr@aol.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served WaterWatch of Oregon, Oregon Natural Resources Council and Pacific Coast Federation of Fishermen's Association Reply Brief on the Rate Standard in UE-170 by postage prepaid mail upon each person listed below at the address indicated (where postal address provided), and by email to those listed on the email service list, with signed originals to the PUC Service Center.

Dated: September 16, 2005,

Glen Spain,
PO Box 11170
Eugene, OR 97440-3370
Phone: (541)689-2000
E-mail: fishlifr@aol.com

RATES & REGULATORY AFFAIRS PORTLAND GENERAL ELECTRIC RATES & REGULATORY AFFAIRS 121 SW SALMON STREET, 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com	JIM ABRAHAMSON -- CONFIDENTIAL COMMUNITY ACTION DIRECTORS OF OREGON 4035 12TH ST CUTOFF SE STE 110 SALEM OR 97302 jim@cado-oregon.org
GREG ADDINGTON KLAMATH WATER USERS ASSOCIATION 2455 PATTERSON STREET, SUITE 3 KLAMATH FALLS OR 97603 greg@cvcwireless.net	EDWARD BARTELL KLAMATH OFF-PROJECT WATER USERS INC 30474 SPRAGUE RIVER ROAD SPRAGUE RIVER OR 97639
KURT J BOEHM -- CONFIDENTIAL BOEHM KURTZ & LOWRY 36 E SEVENTH ST - STE 1510 CINCINNATI OH 45202 kboehm@bkllawfirm.com	PAUL M WRIGLEY PACIFIC POWER & LIGHT 825 NE MULTNOMAH STE 800 PORTLAND OR 97232 paul.wrigley@pacificcorp.com
LOWREY R BROWN -- CONFIDENTIAL CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org	PHIL CARVER OREGON DEPARTMENT OF ENERGY 625 MARION ST NE STE 1 SALEM OR 97301-3742 philip.h.carver@state.or.us
JOHN CORBETT YUOK TRIBE PO BOX 1027 KLAMATH CA 95548 jcorbett@yuroktribe.nsn.us	JOAN COTE -- CONFIDENTIAL OREGON ENERGY COORDINATORS ASSOCIATION 2585 STATE ST NE SALEM OR 97301 cotej@mwvcaa.org
MELINDA J DAVISON -- CONFIDENTIAL DAVISON VAN CLEVE PC 333 SW TAYLOR, STE. 400 PORTLAND OR 97204 mail@dvclaw.com	DOUGLAS C TINGEY PORTLAND GENERAL ELECTRIC 121 SW SALMON 1WTC13 PORTLAND OR 97204 doug.tingey@pgn.com
JASON EISDORFER -- CONFIDENTIAL CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org	RANDALL J FALKENBERG -- CONFIDENTIAL RFI CONSULTING INC PMB 362 8351 ROSWELL RD ATLANTA GA 30350 consultrfi@aol.com

EDWARD A FINKLEA -- CONFIDENTIAL CABLE HUSTON BENEDICT HAAGENSEN & LLOYD LLP 1001 SW 5TH, SUITE 2000 PORTLAND OR 97204 efinklea@chbh.com	DAVID HATTON -- CONFIDENTIAL DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 david.hatton@state.or.us
JUDY JOHNSON -- CONFIDENTIAL PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 judy.johnson@state.or.us	JASON W JONES -- CONFIDENTIAL DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us
MICHAEL L KURTZ -- CONFIDENTIAL BOEHM, KURTZ & LOWRY 36 E 7TH ST STE 1510 CINCINNATI OH 45202-4454 mkurtz@bklawfirm.com	JIM MCCARTHY OREGON NATURAL RESOURCES COUNCIL PO BOX 151 ASHLAND OR 97520 jm@onrc.org
KATHERINE A MCDOWELL -- CONFIDENTIAL STOEL RIVES LLP 900 SW FIFTH AVE STE 1600 PORTLAND OR 97204-1268 kamcdowell@stoel.com	BILL MCNAMEE PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 bill.mcnamee@state.or.us
DANIEL W MEEK -- CONFIDENTIAL DANIEL W MEEK ATTORNEY AT LAW 10949 SW 4TH AVE PORTLAND OR 97219 dan@meek.net	NANCY NEWELL 3917 NE SKIDMORE PORTLAND OR 97211 ogec2@hotmail.com
MICHAEL W ORCUTT HOOPA VALLEY TRIBE FISHERIES DEPT PO BOX 417 HOOPA CA 95546 director@pcweb.net	STEPHEN R PALMER OFFICE OF THE REGIONAL SOLICITOR 2800 COTTAGE WAY, RM E-1712 SACRAMENTO CA 95825
STEVE PEDERY OREGON NATURAL RESOURCES COUNCIL sp@onrc.org	MATTHEW W PERKINS DAVISON VAN CLEVE PC 333 SW TAYLOR, STE 400 PORTLAND OR 97204 mwp@dvclaw.com
JANET L PREWITT DEPARTMENT OF JUSTICE 1162 COURT ST NE SALEM OR 97301-4096 janet.prewitt@doj.state.or.us	THOMAS P SCHLOSSER MORISSET, SCHLOSSER, JOZWIAK & MCGAW 801 SECOND AVE, SUITE 1115 SEATTLE WA 98104-1509 t.schlosser@msaj.com