

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 170

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| In the Matter of |) | |
| |) | |
| PACIFIC POWER AND LIGHT |) | RULING |
| |) | |
| Application for a General Rate Increase in |) | |
| the Company's Oregon Revenues |) | |

DISPOSITION: ADDITIONAL INFORMATION REQUESTED

The Commission has received petitions for case-certification under the Intervenor Funding Agreement (IFA) filed by two organizations representing irrigation customers of PacifiCorp. The Klamath Water Users Association (KWUA) filed the first petition. KWUA describes itself as a non-profit corporation comprised of about 20 public agencies—most of which are irrigation districts—and many other private irrigators located in PacifiCorp's service territory. KWUA members, including the irrigation districts and other private irrigator members, are customers of PacifiCorp. The Klamath Off-Project Water Users (KOPWU) filed the second petition. KOPWU describes itself as a non-profit association of individuals and businesses in and around the Klamath River Basin. PacifiCorp provides service to KOPWU's members under the terms of an agreement entered in 1956.

Both organizations contend they meet the requirements for case certification. Both state they will effectively represent the interests of irrigation customers that fund their respective organization. While neither group has previously appeared in Commission proceedings, each has retained experienced counsel to ensure its ability to substantively contribute to the record on behalf of irrigation customer interests.

Neither application, however, addresses the other. There is no information that distinguishes the interests of the two customer groups. Consequently, the Commission is unable to determine whether certification of both intervenors is necessary to adequately represent the specific interests of both groups. Unfortunately, the IFA does not discuss how the Commission should resolve two pending applications for case-

certification that, on their face, represent the same class of customers. Section 5.3(e)(i) of the IFA only contemplates an existing precertified intervenor, and requires an applicant to demonstrate that:

No precertified intervenor participating in the proceeding adequately represents the specific interests of the class of customers represented by the organization related to rates and terms and conditions of service.

Under the circumstances, I ask KWUA and KOPWU to provide additional information in support of their respective requests.¹ I also ask the two applicants, as well as PacifiCorp, to provide guidance to the Commission as to how it should apply the IFA to this situation. Each should provide a written response by January 18, 2005.

Dated at Salem, Oregon, this 10th day of January 2005.

Michael Grant
Chief Administrative Law Judge

¹ In its application, KOPWU indicated that it has hired as counsel Davison Van Cleve, P.C., which is also representing the Industrial Customers of Northwest Utilities (ICNU) in this proceeding. In its response, KOPWU should also address whether this dual representation presents an actual or potential conflict of interest.

