

May 12, 2005

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Re: Request for a General Rate Increase in the Company's Oregon Annual  
Revenues (Docket No. UE 170)

Dear Mr. Finklea:

In Judge Kirkpatrick's absence, I have been assigned to handle matters in this docket. I received your May 9, 2005 letter, in which you state that the Klamath Water Users Association (KWUA) will not be filing opening testimony. Specifically, you ask to reserve the ability to file testimony at a later time, after the legal issues in docket UE 171 are resolved. Finally, you ask that I confirm that "all technical issues surrounding rates proposed by PacifiCorp to be charged irrigation customers in the Klamath River Basin will be addressed at a later time in this docket if such issues need to be resolved after the Commission issues its ruling in UE 171." Letter at 2.

For purposes of my decision, I have outlined some of the information contained in filings, rulings and orders involving KWUA in this docket and in docket UE 171.

1. KWUA is a nonprofit corporation, comprised of approximately 20 public agencies, individuals and businesses located in and around the Klamath River Basin. Most of the public agencies are irrigation districts. Petition to Intervene at 2.
2. KWUA members are customers of PacifiCorp. Application for Case Certification at 2.
3. KWUA will represent the interests of all irrigators, including the Off-Project Water Users, in UE 170. January 18, 2005 Response at 3.
4. In UE 170, KWUA's participation will focus on PacifiCorp's revenue requirement, overall rate of return and irrigation tariff design affecting all irrigators taking service under PacifiCorp's general tariffs. *Id* at 2-3.
5. Docket No. UE 171 addresses the rates to be paid by irrigators in the Klamath Basin.

6. Docket No. UE 170 is PacifiCorp's general rate case filing, which excludes the issues involving Klamath Basin irrigators.

KWUA has chosen to not file opening testimony in UE 170. By doing so, KWUA has not presented any testimony regarding PacifiCorp's revenue requirement, rate of return and irrigation tariff design for irrigators who are not part of the UE 171 dispute. Additionally, KWUA may have put itself in jeopardy of losing access to intervenor funding, as such funding is only available where advocacy would benefit an entire customer class. *See*, Order No. 05-134.

If you choose to file opening testimony, you must do so by May 19, 2005. The testimony must be accompanied by a motion asking that late filing of the testimony be permitted. I will then set an expedited process for determining whether the late filed testimony will be allowed.

KWUA may also file surrebuttal testimony on June 22, 2005, as provided by the schedule, but such testimony must be responsive to PacifiCorp's rebuttal testimony submitted on June 2, 2005.

Kathryn Logan  
Administrative Law Judge

cc: UE 170 & UE 171 service lists