

McDowell & Associates PC



KATHERINE A. McDOWELL
Direct (503) 595-3924
katherine@mcd-law.com

December 1, 2006

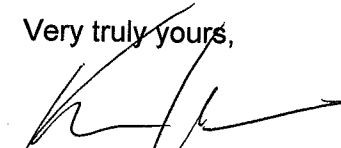
VIA ELECTRONIC FILING

PUC Filing Center
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

Re: Docket No. UM 1208

Enclosed for filing in the above-referenced matter is PacifiCorp's Motion for Clarification Regarding the Role of Oregon Independent Evaluator. A copy of this filing has been served on all parties to this proceeding as indicated on the attached certificate of service.

Very truly yours,



Katherine A. McDowell

Enclosures

cc: Service List

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1208

In the Matter of PACIFICORP's Draft 2012
Request for Proposals

**PACIFICORP'S MOTION FOR
CLARIFICATION REGARDING THE ROLE
OF OREGON INDEPENDENT
EVALUATOR**

(Expedited Treatment Requested)

At the Commission Public Meeting on September 19, 2006, the Commission approved the Staff's recommendation for selection of an Oregon independent evaluator ("IE") for PacifiCorp's Request for Proposals ("RFP"). See *In re PacifiCorp's RFP*, Order 06-550, Docket No. UM 1208 (Sept 26, 2006).

At the Commission Public Meeting on November 7, 2006, the Commission approved Staff's recommendation and selected Boston Pacific and the Accion Group as the Oregon IE. See Staff Report, Docket UM 1208 (November 7, 2006 Public Meeting). The Commission also approved Staff's recommendation that the Commission direct PacifiCorp to negotiate a contract with Boston Pacific and the Accion Group, subject to Staff's review.

A Commission decision on conditional approval of the RFP is now pending, and this has complicated contract negotiations with the Oregon IE. To expedite the execution of the contract, PacifiCorp needs Commission direction on the role of the Oregon IE if the RFP is not conditionally or finally approved and the Company issues the RFP.

Staff's position is that, irrespective of whether the RFP is conditionally or finally approved, the RFP should have an Oregon IE. Staff contends that the Oregon IE is necessary because the Company may seek acknowledgement of the final short-list of resources under a non-approved RFP, which could lead to an acknowledgement proceeding under Oregon competitive bidding guideline 13. Even if the Company does

1 not seek acknowledgment of the final short-list, the Company may seek recovery of
2 resources resulting from the RFP in future prudence proceedings. Staff supports cost
3 recovery of appropriately incurred Oregon IE fees through deferred accounting whether or
4 not the RFP is approved.

5 PacifiCorp does not oppose full retention of the Oregon IE if the RFP is not
6 conditionally or finally approved and PacifiCorp issues the RFP. Before PacifiCorp can
7 contract with the Oregon IE to cover this contingency, however, the Company needs
8 clarification from the Commission that, irrespective of whether the RFP is approved:

9 (1) PacifiCorp may seek acknowledgment of the final short-list and utilize the Oregon IE in
10 this process; (2) PacifiCorp may seek rate recovery for the resources acquired through this
11 RFP; and (3) PacifiCorp may seek recovery of appropriately incurred Oregon IE fees
12 through its deferred accounting application in Docket No. UM 1285.

13 Because this is the first RFP covered by the Commission's new competitive bidding
14 guidelines issued in Docket No. UM 1182, these issues cannot be resolved by reference to
15 past Commission precedents. Without Commission direction, the need for the Oregon IE,
16 the scope of the Oregon IE's work, and cost-recovery for the Oregon IE's fees remain
17 unclear if the RFP is not approved. This lack of clarity impacts PacifiCorp's ability to
18 contract with the Oregon IE as the Commission has directed.

19 PacifiCorp requests expedited treatment of this motion to permit it to move forward
20 with a contract with the Oregon IE as soon as practicable. Specifically, PacifiCorp
21 suggests that the time for responding to this motion be shortened to five business days.

22 Therefore, PacifiCorp requests an expedited order from the Commission clarifying
23 that: (1) PacifiCorp should retain the Oregon IE irrespective of whether the RFP is
24 conditionally or finally approved; (2) PacifiCorp may seek acknowledgement of the final
25 short-list and rate recovery for resources acquired through this RFP if the RFP is not
26 approved; and (3) PacifiCorp should recover appropriately incurred Oregon IE fees

1 through deferred accounting irrespective of whether the RFP is conditionally or finally
2 approved.

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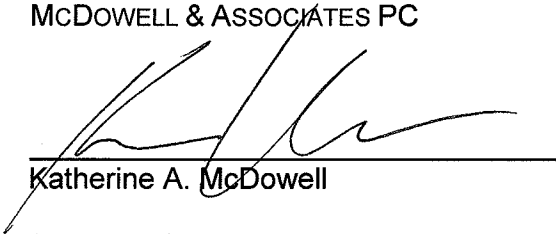
4 DATED: December 1, 2006.

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MCDOWELL & ASSOCIATES PC

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Katherine A. McDowell

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Attorneys for PacifiCorp

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served a true and correct copy of the foregoing document in Docket
3 UM 1208 on the following named person(s) on the date indicated below by email and first-class mail
4 addressed to said person(s) at his or her last-known address(es) indicated below.

5 Susan Ackerman
6 PO Box 10207
7 Portland, OR 97296-0207
8 susan.k.ackerman@comcast.net

Philip H. Carver
Oregon Department of Energy
philip.h.carver@state.or.us

7 Melinda J. Davison
8 Davison Van Cleve
9 333 SW Taylor, Ste 400
10 Portland, OR 97204
11 mail@dvclaw.com

Citizens' Utility Board of Oregon
dockets@oregoncub.org

10 Randall J. Falkenberg
11 RFI Consulting Inc.
12 8351 Roswell Rd – PMB 362
13 Atlanta, GA 30350
14 consultrfi@aol.com

Jason Eisdorfer
Citizens' Utility Board of Oregon
jason@oregoncub.org

13 Robert D. Kahn
14 NW Independent Power Producers
15 7900 SE 28th St Ste 200
16 Mercer Island, WA 98040
17 rkahn@nippc.org

Janet L. Prewitt
Department of Justice
janet.prewitt@doj.state.or.us

16 Renewable Northwest Project
17 917 SW Oak Ste 303
18 Portland, OR 97205
19 ann@rnp.org

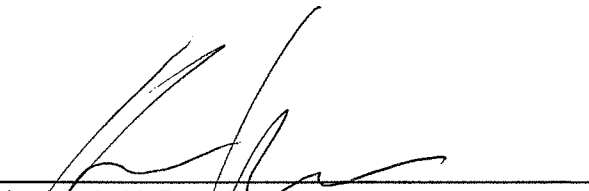
Michael T. Weirich
Department of Justice
michael.weirich@doj.state.or.us

18 John W. Stephens
19 Esler Stephens & Buckley
20 888 SW Fifth Ave Ste 700
21 Portland, OR 97204-2021
22 stephens@eslerstephens.com

Steven Weiss
NW Energy Coalition
steve@nwenergy.org

21 Lisa C. Schwartz
22 Oregon Public Utility Commission
23 PO Box 2148
24 Salem, OR 97308-2148
25 lisa.c.schwartz@state.or.us

26 DATED: December 1, 2006.


Katherine A. McDowell
Of Attorneys for PacifiCorp