

ISSUED: August 31, 2009

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1438

In the Matter of

SWALLEY IRRIGATION DISTRICT

Complainant,

vs.

PACIFICORP, dba PACIFIC POWER

Respondent.

RULING

**DISPOSITION: MOTION TO EXTEND TIME TO ANSWER
CONDITIONALLY GRANTED; TIME TO REPLY
TO MOTION SEEKING EXPEDITED
DETERMINATION SHORTENED.**

PacifiCorp, dba Pacific Power (Pacific Power) filed two motions in this proceeding. Both motions cite questions as to whether the complaint filed by Swalley Irrigation District (Swalley) is governed by OAR 860-029-0100 and, if so, whether the complaint meets the requirements of that rule. Due to this uncertainty, Pacific Power seeks an extension to file an answer to the complaint. In the second motion, Pacific Power seeks expedited determination of the applicability of OAR 860-029-0100 to Swalley's complaint. If the rule applies, Pacific Power contends the complaint is deficient and should be dismissed. Alternatively, if the rule does not apply, Pacific Power moves to require Swalley to amend its complaint to make more definitive and certain. Pacific Power adds that it attempted to confer with Swalley on both motions but was unable to contact opposing counsel.

I find that good cause exists to extend Pacific Power's deadline to file an answer to the Swalley's complaint, and conditionally grant the motion. Pacific Power's answer is due five days following a ruling on Pacific Powers's other motions, as discussed below. Swalley may file a response to Pacific Power's motion for an extension of time if it opposes this ruling. Any reply must be filed by September 8, 2009.

I also find that good cause exists to shorten the time period for Swalley to file a response to Pacific Power's motion for expedited determination of the applicability of OAR 860-029-0100, motion to dismiss, and alternative motion to make more definite and certain. Swalley's response must be filed by September 8.

Dated at Salem, Oregon, this 31th day of August 2009.



Michael Grant
Chief Administrative Law Judge