

May 1, 2024

Commission Chair Megan Decker  
Oregon Public Utility Commission  
201 High Street SE, Suite 100  
Salem, OR 97301-3398

**Subject: UE 219, PACIFICORP, dba PACIFIC POWER  
Application to Implement the Provisions of Senate Bill 76**

Commission Chair Megan Decker,

The Karuk Tribe, and California Trout, Pacific Coast Federation of Fishermen's Associations (PCFFA), and Trout Unlimited ("Conservation Groups"), respectfully submit this letter, requesting that the Commission grant the Klamath River Renewal Corporation's ("Renewal Corporation") request to authorize disbursement of the remaining accrued interest to the Renewal Corporation.

We are parties in this proceeding, signatories to the Klamath Hydroelectric Settlement Agreement, and stakeholders who are vitally interested in the successful implementation of the license surrender order issued by the Federal Energy Regulatory Commission ("FERC") for the Lower Klamath Project (November 17, 2022). Members of California Trout and Trout Unlimited are PacifiCorp's customers. The Karuk Tribe are time-immemorial people of the Klamath Basin. This Klamath dam removal project represents not only the nation's largest river restoration effort. It has also been recognized around the world as a model of states can work with Tribal Nations, private businesses, conservation and fishing groups can make meaningful progress toward restorative justice.

We fully support the Reply Brief filed by the Klamath River Renewal Corporation (“Renewal Corporation”). We agree that ORS 757.736(9) does not apply, because PacifiCorp did not collect surcharge amounts in excess of those needed or allowed for dam removal. We agree that, if ORS 757.736(9) were triggered, using the additional accrued interest in the Oregon Trust would be “for the benefit of customers.”

In Order No. 10-364, this Commission determined that dam removal would provide significant benefit to customers, avoiding greater cost and liability exposure associated with relicensing. Today, the largest dam removal effort in history is proceeding timely and otherwise as authorized by FERC’s 2022 license surrender order. On behalf of its co-licensees States of California and Oregon, the Renewal Corporation has removed one dam, emptied the remaining reservoirs, and is prepared to begin removing the remaining three dams in the immediate future. Using the remaining accrued interest to cover necessary costs will provide a benefit to customers, even though PacifiCorp is no longer the licensee. Successful (including timely) implementation of the license surrender order will fulfill and validate this Commission’s decisions to authorize rate recovery and asset transfers for dam removal. And, undisputed in this proceeding, successful implementation will provide significant public benefits, helping to restore the sustainability of fisheries and to enhance the welfare of communities throughout the Klamath Basin.

### **CONCLUSION**

For the foregoing reasons, the Commission should grant the Renewal Corporation’s request to authorize disbursement of the remaining accrued interest to the Renewal Corporation and to amend the Funding Agreement.

Respectfully submitted,

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