

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 UE 219

4 In the Matter of

5 PACIFICORP, dba PACIFIC POWER

6 Application to Implement the Provisions of
7 Senate Bill 76.

MOTION TO MAINTAIN SURCHARGE

8 Pursuant to Order No. 10-364, representatives of the Staff of the Public Utility
9 Commission (Commission), PacifiCorp, the Citizens' Utility Board, the Industrial Customers of
10 Northwest Utilities, Oregon Fish and Wildlife, the Department of Environmental Quality, the
11 Water Resources Department and Pacific Coast Federation of Fishermen's Associations (Parties)
12 met on April 14, 2011 to review the Klamath Surcharge Rate. Taking into consideration actual
13 interest earned, the surcharge balance, and load forecast the Parties agreed to recommend to the
14 Commission that it maintain the present Klamath Dam Removal surcharge rates contained in
15 Pacific Power's Schedule 199 for 2011.

16 In Docket UE 219, the Klamath Surcharge proceeding, the Commission adopted the
17 following Staff proposal: "Staff recommends that the Commission require the Company to file
18 annually updated surcharge rates, using its most recent forecast of future loads, the history of
19 interest earned, and other transactions impacting actual and projected trust account balances.
20 Such a requirement should include that no less than thirty days following the annual Transition
21 Adjustment Mechanism (TAM) filing, [Pacific Power], Staff and other interested parties will
22 meet to review the actual interest earned, the surcharge balance, and the load forecast to
23 determine whether it is necessary to file a revised surcharge tariff. If there is over- or under-
24 collection of the surcharge relative to obtaining a cumulative total of surcharge collected plus
25 interest earned of approximately \$184 million by December 31, 2019, Staff would recommend
26 [Pacific Power] file a modified Schedule 199 tariff within 60 days following the TAM filing,

1 with the revised tariff to be effective 30 days from the revised tariff filing.” See Order No. 10-
2 364.

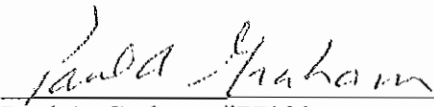
3 The Parties, representing diverse interests, reviewed the revised surcharge collections
4 forecast and unanimously agreed to recommend to the Commission that it maintain the present
5 Klamath Dam Removal surcharge rates contained in Pacific Power’s Schedule 199 for 2011.

6 The Parties have styled this pleading as a motion on the assumption that the Commission
7 may wish to affirmatively state that it will not change the surcharge. The Parties have no
8 objection if the Commission does not act on this motion and simply decides to take no action to
9 change the surcharge.

10 DATED this 21st day of April 2011.

11 Respectfully submitted,

12 JOHN R. KROGER
13 Attorney General

14 
15 _____
16 Paul A. Graham, #77190
17 Assistant Attorney General
18 Of Attorneys for the Public Utility Commission
19 of Oregon
20
21
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I certify that on April 21, 2011, I served the foregoing Motion upon the parties in this
3 proceeding by electronic mail and by sending a true, exact and full copy by regular mail, postage
4 prepaid, or by hand-delivery/shuttle, to the parties accepting paper service.

5 **W**
6 S. CRAIG TUCKER
7 PO BOX 282
8 ORELEANS CA 95556
9 ctucker@karuk.us

10 **AMERICAN RIVERS**
11 BRETT SWIFT
12 320 SW STARK ST - STE 418
13 PORTLAND OR 97204
14 bswift@amrivers.org

15 **CABLE HUSTON BENEDICT ET AL**
16 J LAURENCE CABLE (C)
17 1001 SW 5TH AVE STE 2000
18 PORTLAND OR 97204-1136
19 lcable@cablehuston.com

20 **CABLE HUSTON BENEDICT ET AL**
21 RICHARD LORENZ (C)
22 1001 SW FIFTH AVE - STE 2000
23 PORTLAND OR 97204-1136
24 rlorenz@cablehuston.com

25 **W**
26 **CITIZENS' UTILITY BOARD OF OREGON**
GORDON FEIGHNER (C) (HC)
ENERGY ANALYST
610 SW BROADWAY, SUITE 308
PORTLAND OR 97205
gordon@oregoncub.org

ROBERT JENKS (C) (HC)
EXECUTIVE DIRECTOR
610 SW BROADWAY STE 308
PORTLAND OR 97205
bob@oregoncub.org

G. CATRIONA MCCrackEN (C) (HC)
LEGAL COUNSEL/STAFF ATTY
610 SW BROADWAY - STE 308
PORTLAND OR 97205
catriona@oregoncub.org

RAYMOND MYERS (C) (HC)
ATTORNEY
610 SW BROADWAY - STE 308
PORTLAND OR 97205
ray@oregoncub.org

W
CITIZENS' UTILITY BOARD OF OREGON
KEVIN ELLIOTT PARKS (C) (HC)
STAFF ATTORNEY
610 SW BROADWAY STE 308
PORTLAND OR 97205
kevin@oregoncub.org

DAVISON VAN CLEVE PC
MELINDA J DAVISON
333 SW TAYLOR - STE 400
PORTLAND OR 97204
mail@dvclaw.com

W
KLAMATH TRIBES AND KLAMATH WATER
CARL ULLMAN
PO BOX 957
CHILOQUIN OR 97624
bullman3@earthlink.net

MCDOWELL RACKNER & GIBSON PC
KATHERINE A MCDOWELL (C) (HC)
ATTORNEY
520 SW SIXTH AVE - SUITE 830
PORTLAND OR 97204
katherine@mcd-law.com

NATURAL HERITAGE INSTITUTE
RICHARD ROOS-COLLINS
100 PINE ST., STE 1550
SAN FRANCISCO CA 94111
rrcollins@n-h-i.org

W
NCCFFF
MARK C ROCKWELL
19737 WILDWOOD WEST DR
PENN VALLEY CA 95946
summerhillfarmvp@aol.com

W
OREGON DEPT. OF ENVIRONMENTAL QUALITY
CHRIS STINE (C)
165 E 7TH AVE., STE 100
EUGENE OR 97401
chris.stine@state.or.us

1 **W**
2 **OREGON DEPT. OF ENVIRONMENTAL**
3 **QUALITY**

4 STEVE KIRK (C)
5 475 NE BELLEVUE DR
6 BEND OR 97701
7 steve.kirk@state.or.us

8 **W**
9 **OREGON DEPT. OF FISH AND WILDLIFE**

10 KEN HOMOLKA (C)
11 3406 CHERRY AVE NE
12 SALEM OR 97303
13 ken.homolka@state.or.us

14 RICK KEPLER (C)
15 3406 CHERRY AVE NE
16 SALEM OR 97303
17 rick.j.kepler@state.or.us

18 **W**
19 **OREGON DEPARTMENT OF JUSTICE**

20 KURT BURKHOLDER (C)
21 1515 SW 5TH AVE, STE 410
22 PORTLAND OR 97201
23 kurt.burkholder@doj.state.or.us

24 **W**
25 **OREGON WATER RESOURCES DEPARTMENT**

26 MARY GRAINEY (C)
725 SUMMER ST NE, STE A
SALEM OR 97301
mary.s.grainey@wrd.state.or.us

RON C KOHANEK (C)
725 SUMMER ST NE, STE A
SALEM OR 97301
ron.c.kohanek@wrd.state.or.us

W
PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOC

GLEN H SPAIN (C)
W REGIONAL DIRECTOR
PO BOX 11170
EUGENE OR 97440-3370
fish1ifr@aol.com

PACIFICORP, DBA PACIFIC POWER

OREGON DOCKETS
825 NE MULTNOMAH ST, STE 2000
PORTLAND OR 97232
oregondockets@pacficorp.com

PUBLIC UTILITY COMMISSION OF OREGON

KELCEY BROWN (C) (HC)
PO BOX 2148
SALEM OR 97301
kelcey.brown@state.or.us

RFI CONSULTING INC

RANDALL J FALKENBERG
PMB 362
8343 ROSWELL RD
SANDY SPRINGS GA 30350
consultrfi@aol.com

W
SALMON RIVER RESTORATION COUNCIL

PETER BRUCKER
HCR 4
BOX 1089
SAWYERS BAR CA 96027
ptb92day@gmail.com

W
TROUT UNLIMITED
CHARLTON H BONHAM (C)
1808B 5TH STREET
BERKELEY CA 94710
cbonham@tu.org

KATE MILLER (C)
227 SW PINE STREET, SUITE 200
PORTLAND OR 97204
kmliller@tu.org

W
WATERWATCH OF OREGON

LISA BROWN
213 SW ASH ST - STE 208
PORTLAND OR 97204
llsa@waterwatch.org

W
YUROK TRIBE
JOHN CORBETT
PO BOX 1027
KLAMATH CA 95548
jcorbett@yuroktribe.nsn.us



Neoma Lane
Legal Secretary / Department of Justice
Business Activities Section

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 UE 219

4 In the Matter of

5 PACIFICORP, dba PACIFIC POWER

6 Application to Implement the Provisions of
7 Senate Bill 76.

MOTION TO MAINTAIN SURCHARGE

8 Pursuant to Order No 10-364, representatives of the Staff of the Public Utility
9 Commission (Commission), PacifiCorp, the Citizens' Utility Board, the Industrial Customers of
10 Northwest Utilities, Oregon Fish and Wildlife, the Department of Environmental Quality, the
11 Water Resources Department and Pacific Coast Federation of Fishermen's Associations (Parties)
12 met on April 14, 2011 to review the Klamath Surcharge Rate. Taking into consideration actual
13 interest earned, the surcharge balance, and load forecast the Parties agreed to recommend to the
14 Commission that it maintain the present Klamath Dam Removal surcharge rates contained in
15 Pacific Power's Schedule 199 for 2011.

16 In Docket No UE 219, the Klamath Surcharge proceeding, the Commission adopted the
17 following Staff proposal: "Staff recommends that the Commission require the Company to file
18 annually updated surcharge rates, using its most recent forecast of future loads, the history of
19 interest earned, and other transactions impacting actual and projected trust account balances.
20 Such a requirement should include that no less than thirty days following the annual Transition
21 Adjustment Mechanism (TAM) filing, (Pacific Power), Staff and other interested parties will
22 meet to review the actual interest earned, the surcharge balance, and the load forecast to
23 determine whether it is necessary to file a revised surcharge tariff. If there is over- or under-
24 collection of the surcharge relative to obtaining a cumulative total of surcharge collected plus
25 interest earned of approximately \$184 million by December 31, 2019, Staff would recommend
26 (Pacific Power) file a modified Schedule 199 tariff within 60 days following the TAM filing,

1 with the revised tariff to be effective 30 days from the revised tariff filing.” See Order No. 10-
2 364.

3 The Parties, representing diverse interests, reviewed surcharge collections forecast and
4 unanimously agreed to recommend to the Commission that it maintain the present Klamath Dam
5 Removal surcharge rates contained in Pacific Power’s Schedule 199 for 2011.

6 The parties have styled this pleading as a motion on the assumption that the Commission
7 may wish to affirmatively state that it will not change the surcharge. The Parties have no
8 objection if the Commission does not act on this motion and simply decides to take no action to
9 change the surcharge.

10
11 DATED this 21st day of April 2011.

Respectfully submitted,

12 JOHN R. KROGER
13 Attorney General

14
15 s/Paul A. Graham
16 Paul A. Graham, #77190
17 Assistant Attorney General
18 Of Attorneys for the Public Utility Commission
19 of Oregon
20
21
22
23
24
25
26