

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.

**KLAMATH RIVER RENEWAL  
CORPORATION'S PETITION TO  
INTERVENE**

8 Klamath River Renewal Corporation ("KRRC") respectfully petitions to intervene in this  
9 proceeding. In support of this petition, the following information is provided:

10 **1. The contact information (name, address, email address) of the petitioner is:**

11 Laura Hazlett, Chief Financial Officer  
12 Klamath River Renewal Corporation  
13 2001 Addison Street, Suite 317  
14 Berkeley, CA 94704  
15 lhazlett@klamathrenewal.org

Please include this contact on the service list.

16 **2a. The petitioner  will  will not be represented by counsel in this proceeding. The  
17 contact information for petitioner's counsel to be included on the service list is:**

18 Lawrence H. Reichman  
19 Perkins Coie LLP  
20 1120 NW Couch Street, 10th Floor  
21 Portland, OR 97209  
22 LReichman@perkinscoie.com  
23 (503) 727-2019

24 Richard Roos-Collins (CA Bar 127231, *pro hac vice* application to be filed)  
25 Water and Power Law Group PC  
26 2140 Shattuck Avenue, Ste. 801  
Berkeley, CA 94704  
rrcollins@waterpowerlaw.com  
(510) 296-5589

Please include this contact on the service list.

1 **2b. Additional contacts to be included on the service list (a petition is limited to three**  
2 **contacts on the service list):**

3 N/A.

4 **3. If the petitioner is an organization, the number of members in and the purposes of**  
5 **the organization:**

6 N/A.

7 **4. The nature and extent of the Petitioner’s interest in the proceeding is:**

8 This proceeding concerns disbursement of interest accrued on surcharges collected by  
9 PacifiCorp, and now held in the Oregon Trust, for the purpose of removing the four dams of the  
10 Lower Klamath Project. Pursuant to Order No. 10-364, the Commission authorized the  
11 surcharge collection by PacifiCorp, and establishment of the Oregon Trust to hold such funds  
12 including accrued interest, to effect dam removal as authorized by S.B. 76 (2009), ORS 757.732  
13 *et seq.* Pursuant to Order No. 17-018, the Commission authorized a Funding Agreement with the  
14 Petitioner whereby funds are disbursed from the Oregon Trust to cover “Eligible Project Costs.”  
15 The “Project” is dam removal and other activities assigned to the KRRC as the “Dam Removal  
16 Entity” under the Klamath Hydroelectric Settlement Agreement (2016) (“KHTSA”), signed by  
17 PacifiCorp, United States, States of Oregon and California, and other stakeholders. As shown in  
18 our June 1 and November 13, 2023 filings, the remaining accrued interest held in the Oregon  
19 Trust is needed to cover Eligible Project Costs. KRRC’s interest in this proceeding is to receive  
20 these funds for the purpose of Project implementation.

21 As context, the Federal Energy Regulatory Commission (“FERC”) approved license  
22 surrender for the Lower Klamath Project (FERC P-14803). *PacifiCorp et al.*, 181 FERC  
23 ¶ 61,122 (2022). Petitioner is co-licensee, along with the States of Oregon and California, for  
24 the Lower Klamath Project. It must remove the dams and appurtenant works of the Lower  
25 Klamath Project and also undertake habitat restoration, in compliance with the license surrender  
26

1 order, including specifications and schedule. Drawdown of the reservoirs will begin next month,  
2 in preparation for dam removal in mid-2024. Petitioner administers the several funding  
3 agreements with the Commission and the State of California, the Project budget, the procurement  
4 contracts with the contractors undertaking the physical work, the comprehensive insurance  
5 program, and all other aspects of the Project implementation.

6 **5. The issues the Petitioner intends to raise at the proceeding are:**

7 Whether applicable law, including ORS 757.732 *et seq.*, Order No. 10-364, Order  
8 No. 17-018, and other applicable law authorize the Commission to disburse the remaining  
9 accrued interest in the Oregon Trust to the KRRC to cover Eligible Project Expenses under the  
10 Funding Agreement.

11 **6. The special knowledge or expertise of the Petitioner that would assist the  
12 Commission in resolving the issues in the proceeding is:**

13 Petitioner has unique knowledge of the provenance, requirements, and administration of  
14 the Funding Agreement, in its role as the funded entity under that agreement. It has unique  
15 knowledge of Project implementation in its role as the Dam Removal Entity under the KHSA,  
16 co-licensee for the Lower Klamath Project, administrator of the procurement contracts and all  
17 other aspects of Project implementation, and owner of the lands and waters underlying the Lower  
18 Klamath Project.

19 **7. Conclusion.** Based on the information provided above in accordance with the  
20 Commission's Rules of Procedure, we request that KRRC be authorized to participate in this  
21 proceeding as an intervenor. KRRC represents that it will not unreasonably broaden the issues,  
22 burden the record, or unreasonably delay the proceeding.

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DATED: December 14, 2023

**PERKINS COIE LLP**

By: /s/ Lawrence H. Reichman

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