

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 219

In the Matter of

PACIFICORP, dba PACIFIC POWER

Application to Implement the Provisions of
Senate Bill 76.

PETITION TO INTERVENE
 and WAIVER OF PAPER
SERVICE

Trout Unlimited petitions to intervene in this proceeding. In support of this petition, the following is provided:

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

Name: Charlton H. Bonham
Company: Trout Unlimited
Street Address: 1808 B 5th Street
City, State, Zip: Berkeley, CA 94710
Email Address: cbonham@tu.org
Telephone: 510-528-4164

Please include this contact on the service list.

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

Name: Kate Miller
Company: Trout Unlimited
Street Address: 227 SW Pine Street, Suite 200
City, State, Zip: Portland, Oregon, 97204
Email Address: kmiller@tu.org
Telephone: 503-827-5700

2b. Additional contacts to be included on the service list (a petitioner is limited to two contacts on the service list UNLESS waiving paper service):

Name:
Company:
Street Address:
City, State, Zip:
Email Address:

Additional contacts to be included on the service list are listed on an attached sheet.

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

Trout Unlimited is a national, non-profit, coldwater fish conservation organization with over 140,000 members nationwide, including Oregon and California. It is the leading coldwater fisheries conservation organization in the nation. In Oregon, Trout Unlimited has approximately 2,600 members, many of whom are PacifiCorp ratepayers.

Trout Unlimited's mission is to conserve, protect, and restore North America's trout and salmon fisheries and their watersheds. Its programs include hydropower policy reform, wild salmon and trout conservation and recovery, salmon and trout education, and habitat restoration. Our hydropower policy reform efforts focus both on national policies affecting hydropower operations, as well as intervention in individual project proceedings to ensure adequate protection, mitigation and enhancement of aquatic resources through hydropower licensing.

List of Members attached

4. The nature and extent of the Petitioner's interest in the proceeding is:

Trout Unlimited is an intervenor in the Federal Energy Regulatory Commission (FERC) relicensing of PacifiCorp's hydroelectric Klamath Project on the Klamath River in Oregon and California (FERC No. 2082). Trout Unlimited and PacifiCorp have executed a contract, in the form of a settlement agreement, as the basis for the proposed resolution of the contested relicensing proceeding for PacifiCorp's hydroelectric Klamath Project. This settlement agreement (the Klamath Hydroelectric Settlement Agreement) establishes rights and duties and resolves disputes between the many parties. Specifically, the settlement agreement provides for the establishment and management of trust accounts consistent with Oregon Senate Bill 76 (the Oregon Surcharge Act) for the purpose of facilities removal. Trout Unlimited has a significant legal stake in the outcome of UE 219, because this proceeding focuses on an application to implement the surcharge necessary for facilities removal.

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

Trout Unlimited will raise several issues in UE 219. To the extent the surcharge is consistent with the Klamath Hydroelectric Settlement Agreement, Trout Unlimited supports it as just, fair, and reasonable as well as a prudent investment of ratepayer funds in the public interest. Further, Trout Unlimited will raise its interest in the Klamath Hydroelectric Settlement Agreement. Trout Unlimited will also raise its interest in the Oregon Surcharge Act. Implementation of both

the settlement agreement and the surcharge is necessary to resolve outstanding natural resources disputes in the Klamath Basin.

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

Trout Unlimited has special knowledge and expertise in the operation, licensing, and removal of PacifiCorp's Klamath hydroelectric facilities. Trout Unlimited has special knowledge and expertise in the complex and arcane body of law of the Federal Power Act and FERC's implementing regulations regarding hydropower facilities. Trout Unlimited also has special knowledge and expertise in prior Commission proceedings related to PacifiCorp's particular hydroelectric asset on the Klamath River. Specifically, Trout Unlimited participated in UM 1209 before the Commission in the matter of MidAmerican Energy Holdings Company's application for authorization to acquire Pacific Power & Light (PacifiCorp). Trout Unlimited is a party to the Klamath Hydroelectric Settlement Agreement. Finally, Trout Unlimited was involved in the legislative process that led to the Oregon Surcharge Act, Senate Bill 76 – implementation of that Act is a primary focus of this proceeding.

7. Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-012-0001.

/s/Kate Miller and /s/Charlton Bonham

Petitioner or Petitioner's Representatives

April 2, 2010
Date Signed