

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1694

**Served electronically, at Salem, Oregon, May 21, 2014, to:**

*Respondent's Representatives*

Barbara Coughlin  
Director, Customer & Regulatory Liaison  
PacifiCorp dba Pacific Power  
825 NE Multnomah, Suite 800 LCT  
Portland, Oregon 97232  
[barb.coughlin@pacificorp.com](mailto:barb.coughlin@pacificorp.com)

*Complainants*

Loyd Fery  
Loyd Fery Farms, LLC  
11022 Rainwater Lane SE  
Aumsville, Oregon 97325  
[dlchain@wvi.com](mailto:dlchain@wvi.com)

Donna Fery  
Roush Hydro  
366 East Water  
Stayton, Oregon 97383  
[donna@wvi.com](mailto:donna@wvi.com)

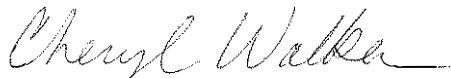
Re: UM 1694, Loyd Fery Farms, LLC, Complainant  
vs. PacifiCorp dba Pacific Power, Respondent

Loyd Fery Farms, LLC has filed a complaint against PacifiCorp. A copy of the complaint is attached and served on Respondent, under ORS 756.512(1). The Commission has assigned Docket No. UM 1694 to this complaint. Please use this number whenever you refer to this case.

The Public Utility Commission must receive an Answer from the Respondent by June 10, 2014, under OAR 860-001-0400(4)(a). A copy must be served on the complainant. Please refer to our rules in effect prior to filing your answer. I have included a link for your convenience at [http://arcweb.sos.state.or.us/pages/rules/oars\\_800/oar\\_860/860\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html). Other useful information can be located on the Commission's website at <http://www.puc.state.or.us/>, specifically under the Hearings Division and Filing Center sections.

After the filing of the answer, the matter will be set for hearing and you will be notified of the time and place.

PUBLIC UTILITY COMMISSION OF OREGON



Cheryl Walker  
Administrative Specialist 2  
Administrative Hearings Division  
(503) 378-2849

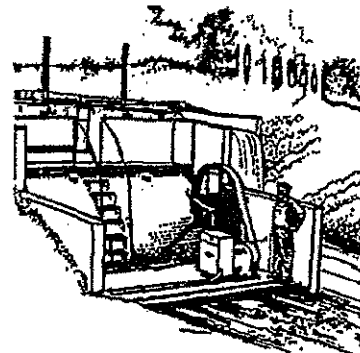
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Attachments: Complaint  
Notice of Contested Case Rights and Procedures

C: Kathleen M. Sauer, Pacific Power (w/attachments), at [tariffpolicy@pacificorp.com](mailto:tariffpolicy@pacificorp.com)

# Loyd Fery Farms, LLC

HYDRO ELECTRIC, BEANS, CORN, GRASS SEED, WHEAT



March 4, 2014

Public Utility Commission of Oregon

PO Box 1088

Salem OR 97308-1088

Subject: Grievance against Pacific Corp.

Respected PUC Commissioners,

I am writing to tell you that I wish to make a formal grievance.

I have been reliably and consistently producing electricity with my hydro-plants for more than thirty years. Last year Pacific Corp. installed new BI-directional meters and my kWh price has been reduced by more than half. Pacific Corps current pricing model is flawed; it costs more than I make to keep up with operations and repairs. The current Oregon Schedule 37 rate structure will lead to the demise of small scale renewable hydropower and drive Pacific-Corp towards less environmentally sound sources.

In addition to dramatically decreased production payments, Pacific Corp began charging me multiple fees, as shown on the enclosed power bills, for the hydro-plants. As I am producing electricity and not using electricity, I fail to see why I am being sent a bill each month.

I have tried to resolve this through emails with John Younie and letters to both addresses for Pacific Corp. No one can explain why we are being billed for this.

The current Oregon Schedule 37 rate structure is flawed, it is jeopardizing the viability of small scale hydro power. I will be unable to continue production into the future unless something is done.

I request you to take the necessary action. I am expecting a grievance hearing date from your end.

Yours sincerely,

A handwritten signature in cursive script that reads "Loyd Fery".

LOYD FERY

OWNER LOYD FERY FARMS, LLC

PACIFICORP

Purchase Energy From Hydroelectric Generator  
Roush Hydro Inc.

December-13

VENDOR

Roush Hydro Inc.  
366 East Water Street  
Stayton, OR 97383

BLINE DATE: 01/01/14

Power Purchase Agreement  
Dated December 15, 2005

Meter Readings

12/01/13 to 01/01/14

Energy

On Peak:	14,758 kWh	x	\$ 0.0772 /kWh	=	\$ 1,139.32
Off Peak:	13,180 kWh	x	\$ 0.0586 /kWh	=	\$ 772.35

Total Amount Due Roush Hydro Inc.:

\$ 1,911.67

Copy to: Toni Roush

Debra Hudkins  
Power Accounting  
Contract Administration  
Roush 1213,Backup

**PACIFICORP**

**Purchase Energy From Hydroelectric Generator  
Roush Hydro Inc.**

**January-14**

**VENDOR**

Roush Hydro Inc.  
366 East Water Street  
Stayton, OR 97383

**BLINE DATE: 01/29/14**

Power Purchase Agreement  
Dated December 15, 2005

Meter Readings

01/01/14 to 02/01/14

Energy

On Peak:	15,531 kWh	x	\$ 0.0413 /kWh	=	\$ 641.43
Off Peak:	12,188 kWh	x	\$ 0.0280 /kWh	=	\$ 341.26

**Total Amount Due Roush Hydro Inc.:**

\$ 982.69

Copy to: Toni Roush

Debra Hudkins  
Power Accounting  
Contract Administration  
Roush\_0114.Backup

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

**Hearing:** The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at [www.puc.state.or.us](http://www.puc.state.or.us). The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

**Hearing Rights:** You have the right to respond to all issues identified and present evidence and witnesses on those issues. See OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. See ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

**Evidence:** Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. See OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

**Record:** The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

**Final Order and Appeal:** After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. See ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. See ORS 756.610.