

July 6, 2022

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301-3398

RE: UI ____— PacifiCorp Application Requesting Approval for an Affiliate Interest Transaction with BNSF Railway Company

PacifiCorp d/b/a Pacific Power encloses for filing its Application Requesting Approval of an Affiliate Interest Transaction with BNSF Railway Company.

PacifiCorp respectfully requests that all data requests regarding this matter be addressed to:

By email (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, Oregon 97232-2152

Please direct any informal questions concerning this filing to Jennifer Angell, Regulatory Project Manager, at (503) 331-4414.

Sincerely,



Shelley McCoy
Director, Regulation

Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UI _____

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Application for Approval of an Affiliated
Transaction with BNSF Railway Company.

APPLICATION OF PACIFICORP

Under ORS 757.495 and in accordance with OAR 860-027-0040, PacifiCorp d/b/a Pacific Power (PacifiCorp or Company) seeks approval from the Public Utility Commission of Oregon (Commission) of an affiliated transaction in which PacifiCorp, as licensee, enters into an agreement with its affiliate BNSF Railway Company (BNSF), as licensor, to secure a *License for Electric Supply Line Across or Along Railway Property* (permit #21W-12340) (License). A verified copy of the proposed License is included with this Notice as Confidential Attachment A. PacifiCorp respectfully requests that the Commission approve the License as an affiliated interest agreement.

I. BACKGROUND

PacifiCorp is a wholly-owned indirect subsidiary of Berkshire Hathaway Energy Company (BHE). BHE is a subsidiary of Berkshire Hathaway, Inc. (Berkshire Hathaway). BNSF is also a subsidiary of Berkshire Hathaway. “Affiliated interest,” as defined in ORS 757.015(3), includes every corporation five percent or more of whose voting securities are owned by any corporation or person owning five percent of the voting securities of a public utility or in any successive chain of ownership of a public utility. Berkshire Hathaway’s ownership interest in PacifiCorp through BHE, and its ownership interest in BNSF, qualifies the latter as an affiliated interest of PacifiCorp.

Under the terms of the License PacifiCorp may construct and maintain an electric supply line containing a maximum of three (3) conductors, together with its supporting or containing structures (collectively, the “**Electric Supply Line**”), across or along Licensor’s rail corridor at or near the station of Glenrock, County of Converse, State of Wyoming, Line Segment 0005, Mile Post 174.20. This work necessitates PacifiCorp traversing BNSF property, which BNSF permits by executed agreement. BNSF charges standardized fees for these types of agreements to all licensees. The term for the License is 25 years.

With this Application, PacifiCorp requests Commission authorization for this affiliate interest transaction with BNSF as described herein.

II. COMPLIANCE WITH OAR 860-027-0040 FILING REQUIREMENTS

A. Name and Address

PacifiCorp’s exact name and address of its principal business office are:

PacifiCorp
825 NE Multnomah Street
Portland, OR 97232-2152

B. Communications and Notices

All notices and communications concerning this Application should be addressed to:

Ajay Kumar
Senior Attorney
825 NE Multnomah Street, Suite 2000
Portland, Oregon 97232-2152
Telephone: (503) 813-5161
Email: ajay.kumar@pacificorp.com

PacifiCorp Oregon Dockets
825 NE Multnomah Street, Suite 2000
Portland, Oregon 97232-2152
Email: OregonDockets@pacificorp.com

Additionally, PacifiCorp respectfully requests that all information requests regarding this matter be addressed to:

By email (**preferred**) datarequest@pacificorp.com

By regular mail

Data Request Response Center
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland Oregon 97232-2152

Informal inquires may also be directed to Jennifer Angell, Regulatory Project Manager, at (503) 331-4414.

C. Relationship Between PacifiCorp and Affiliated Interest

PacifiCorp is a wholly-owned, indirect subsidiary of BHE. BHE is a subsidiary of Berkshire Hathaway. BNSF is also a subsidiary of Berkshire Hathaway. Therefore, BNSF is an “affiliated interest” of PacifiCorp as set forth in ORS 757.015(3).

D. Voting Securities

PacifiCorp and BNSF do not own voting securities in each other.

E. Common Officers and Directors

PacifiCorp and BNSF do not share any officers or directors.

F. Pecuniary Interest

No officer or director of PacifiCorp or BNSF is a party to, or has a pecuniary interest in, the contemplated business transaction between PacifiCorp and BNSF.

G. Description of Goods and Services Provided, Cost(s) Incurred; Market Value; Pricing Methods

PacifiCorp is licensed to construct and maintain an electric supply line as described in Section I. Background above. As the railway property owner, BNSF is the only entity that can provide the License to PacifiCorp. BNSF offers a standardized online process to apply for and obtain licenses of the type that is the subject of this Application. PacifiCorp used this online process to obtain the License.

H. Estimate of Amount PacifiCorp will Pay or Collect Annually

PacifiCorp will pay BNSF \$5,029 for the 25-year License, which includes the application fee (\$800), base permit fee (\$3,723), and insurance (\$506).

I. Reasons Relied Upon for Providing the Proposed Services, and Benefits to the Public

Entering into the License agreement with BNSF enables PacifiCorp to install and maintain facilities at or near the Glenrock station necessary to provide reliable electric service to its customers and do so safely. Without the License, PacifiCorp would neither be able to perform the work nor, as a consequence, be able to meet its obligation to its customers.

J. Description of the Procurement Process

See Section II.G above.

K. Relationship of Cost of Provision of Services and Market Value

As described above, BNSF charges standard rates and fees for these types of licenses.

L. Contract Between Affiliated Interest and PacifiCorp

A copy of the License is included with this Application as

Confidential Attachment A.

M. Copy of Board Resolutions

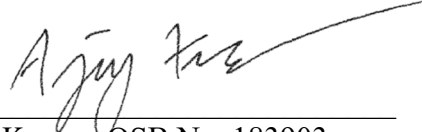
Execution of this transaction does not require approval from PacifiCorp's Board of Directors.

III. PRAYER FOR RELIEF

For the reasons set forth above, PacifiCorp respectfully requests that the Commission issue an order (1) finding that the License for Electric Supply Line Across or Along Railway Property is consistent with the public interest; and (2) approving the License as an affiliated interest agreement.

Respectfully submitted this 6th day of July 2022.

By:



Ajay Kumar, OSB No. 183903
Senior Attorney

CONFIDENTIAL ATTACHMENT A

**License for Electric Supply Line Across or Along
Railway Property
(Permit #21W-12340)**

**THIS ATTACHMENT IS CONFIDENTIAL IN ITS
ENTIRETY AND IS PROVIDED UNDER SEPARATE
COVER**