

October 31, 2008

***VIA ELECTRONIC FILING
AND OVERNIGHT DELIVERY***

Oregon Public Utility Commission
550 Capitol Street NE, Suite 215
Salem, OR 97301-2551

Attention: Vikie Bailey-Goggins, Administrator
Regulatory and Technical Support

RE: AR 528 - Arc Flash Protection Rulemaking
Comments of Pacific Power

PacifiCorp dba, Pacific Power (the "Company") supports Commission Staff's proposed rule change to OAR 860-024-0010 that delays the January 1, 2009, effective date for the National Electrical Safety Code (NESC) Rule 410.A.3 (Arc Flash Protection Rule) until January 1, 2010.

The Company has made significant progress to implement a policy consistent with recent changes to the NESC arc flash provisions, including implementation of a Fire Resistant Clothing Policy and arc flash studies of the Company's metal clad switch gear. Nonetheless, Pacific Power supports a delay in this rule for several reasons.

First, the Company has concerns over adoption schedules for various governmental agencies. Optimally, adoption would occur at the federal level first and then be adopted by the state(s) through OSHA, providing clarity regarding rules, dates and enforcement processes. Adoption of a January 1, 2009, effective date would likely result in substantial confusion as to how enforcement would be accomplished. Furthermore if state adoption occurred prior to federal adoption the Company would operate under several different sets of rules, since California's General Orders have no provision for this requirement and Washington has not yet proposed or adopted the 2007 version of the NESC into its administrative codes. If Oregon delayed adoption until Federal OSHA adoption occurs, complete consistency for worker safety requirements would exist.

Second, since the proposed Oregon adoption date occurs firmly in the middle of the Company's storm season, there is some potential that movement of crews across operating areas could occur and result in disparity of work rules under the pertinent state codes. Also, the Company's plan to address the training provisions falls at the height of the storm season and could be significantly impacted should an event occur. If Oregon delayed adoption the Company could ensure that the needed steps be taken for implementation to be complete.

Third, the Company is concerned that there appears to be a certain amount of ambiguity in the code, specifically concerns regarding the calculation methods, which could impact

implementation. The Company is concerned that it may need to recalculate the arc flash studies on metal clad switch gear using a modified gap distance that is different than the IEEE 1584 standard used initially. As a result, changes to or ambiguities in calculation methodologies could result in a delay. As Commission Staff noted in its October 2, 2008 comments, the NESC Subcommittee 8, has recommended changes to the rule, but these recommendations will not become official until later this year. Allowing time for these ambiguities to be clarified would provide consistency and uniform employee safety.

In summary, the Company believes the arc flash provisions contained in the 2007 edition of the NESC are appropriate. However, given the uncertainty in calculation methodologies, volatility of storm seasons, and possible confusion regarding implementation requirements and enforcement protocols if state level adoption occurs prior to having a federal policy in place, the Company recommends that the Commission adopt the proposed rule change reflecting an effective date of January 1, 2010. Pacific Power appreciates Staff's work on this issue.

Questions may be directed to Joelle Steward, Regulatory Manager, at (503) 813-5542 or Chris Myers, Safety and Environmental Director at (503) 813-6843.

Respectfully,

A handwritten signature in black ink that reads "Andrea Kelly" followed by a stylized flourish.

Andrea L. Kelly
Vice President, Regulation
Pacific Power

cc: AR 528 Service List

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2008, I caused to be served, via E-Mail and US Mail (to those parties who have not waived paper service), a true and correct copy of the foregoing document on the following named person(s) at his or her last-known address(es) indicated below.

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AR-528

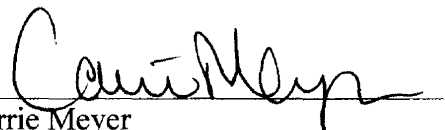
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