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May 5, 2015

VIA ELECTRONIC FILING

PUC Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

Re: UE 267 – In the Matter of PacifiCorp Transition Adjustment, Five-Year Cost-of-Service Opt-Out

Attention Filing Center:

Attached for filing in the captioned docket is an electronic copy of PacifiCorp's Response in Opposition to Joint Parties' Motion for Clarification or, in the Alternative, Application for Reconsideration or Rehearing. A copy of this filing was emailed to all parties to this proceeding.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K McDowell', with a long horizontal flourish extending to the right.

Katherine McDowell
Attachment

cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 267

In the Matter of
PACIFICORP d/b/a PACIFIC POWER
Transition Adjustment, Five-Year Cost of
Service Opt-Out.

**PACIFICORP’S RESPONSE IN
OPPOSITION TO
JOINT PARTIES’ MOTION FOR
CLARIFICATION OR, IN THE
ALTERNATIVE, APPLICATION
FOR RECONSIDERATION OR
REHEARING**

I. INTRODUCTION

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On February 24, 2015, the Public Utility Commission of Oregon (Commission) issued Order No. 15-060 adopting a five-year cost-of-service opt-out program (Five-Year Program) for PacifiCorp d/b/a Pacific Power (PacifiCorp or Company). This final order is the culmination of a multi-year effort to develop an option for PacifiCorp’s large customers to elect long-term direct access and avoid on-going transition charges after a five-year transition period. In Order No. 15-060, the Commission resolved the key issue in dispute between PacifiCorp and the Joint Parties¹ by approving a Consumer Opt-Out Charge to prevent shifting fixed generation costs from direct access customers to other customers. PacifiCorp filed compliance tariffs on March 6, 2015, to which no party objected, and it stands ready to offer the new Five-Year Program later this year.

¹ The Joint Parties are: Noble Americas Energy Solutions LLC, Wal-Mart Stores, Inc., Shell Energy North America (US), LP, Constellation NewEnergy, Inc., Fred Meyer Stores, Inc./Kroger, Co., the Northwest and Intermountain Power Producers Coalition, and Safeway Inc. The Joint Parties include most of the “Stipulating Parties” in this docket. Stipulating Parties *not* joining are: Staff of the Public Utility Commission of Oregon, Industrial Customers of Northwest Utilities, and Vitesse, LLC. On April 24, 2015, the COMPETE Coalition filed a response supporting the Joint Parties’ Motion.

1 The Joint Parties’ Motion for Clarification or, in the Alternative, Application for
2 Reconsideration or Rehearing (Joint Parties’ Motion) threatens to stall implementation of the
3 Five-Year Program. The Joint Parties ask the Commission to “clarify” that the level and
4 calculation of the Consumer Opt-Out Charge remain subject to litigation before the Five-
5 Year Program even goes into effect. In the alternative, the Joint Parties ask the Commission
6 to correct, reconsider or rehear two issues underlying the Consumer Opt-Out Charge
7 calculation: (1) whether an amendment to Section X of the 2010 Protocol or system load
8 growth projections may negate or reduce transition costs; and (2) whether the amount of
9 fixed generation costs in years six through 10 should decline to reflect depreciation.

10 Essentially, the Joint Parties ask the Commission to either nullify its decisions in this
11 docket or, in the alternative, allow the Joint Parties to immediately relitigate issues already
12 argued and decided. Indeed, just yesterday Noble Americas Energy Solutions LLC (Noble),
13 served discovery in PacifiCorp’s 2016 Transition Adjustment Mechanism (TAM) on issues
14 raised in the Joint Parties’ Motion, including the calculation of the Consumer Opt-Out
15 Charge,² the operation of the Generation and Regulation Initiative Decision Tool model
16 (GRID) in valuing the Consumer Opt-Out Charge,³ load growth,⁴ and potential changes to
17 the administration of the Five-Year Program.⁵ To prevent this improper collateral attack on
18 Order No. 15-060, the Commission should deny the Joint Parties’ Motion and make clear that
19 the Consumer Opt-Out Charge may not be revisited in the 2016 TAM.

² See Noble Solutions’ First Set of Data Requests to PacifiCorp Data Requests 7, 8, Docket No. UE 296 (May 4, 2015) (data requests on the calculation and assumptions underlying the Consumer Opt-Out Charge in Schedule 296 and fixed generation charges in Schedule 200, including the treatment of accumulated depreciation), attached as Appendix A.

³ *Id.* at 9 (data request regarding GRID and the modeling of projected generation costs).

⁴ *Id.* at 4, 5 and 10 (data requests on retail load, direct access eligible load, and system load).

⁵ *Id.* at 16 (data request on PacifiCorp’s testimony in docket UE 267 regarding treatment of customers who fail to meet administrative requirements of Five-Year Program).

1 **II. ARGUMENT**

2 **A. The Scope and Effect of Order No. 15-060 Requires No Clarification.**

3 The Joint Parties’ primary request is that the Commission clarify that its approval of
4 the Consumer Opt-Out Charge “is without prejudice to further development of the underlying
5 rate calculation and assumptions in a future rate-setting proceeding.”⁶ The Joint Parties
6 argue that the calculation of the Consumer Opt-Out Charge is “unclear” because it is
7 presented in exhibits that are merely “illustrative.”⁷ They incorrectly claim that the exhibits
8 were not vetted because they were presented for the first time in PacifiCorp’s reply
9 testimony.⁸ For at least three reasons, the Joint Parties’ position is meritless.

10 First, Order No. 15-060 is clear. The Commission adopted the Consumer Opt-Out
11 Charge as presented in PacifiCorp’s testimony, which included a detailed description of the
12 calculation methodology and illustrative examples. Docket UE-267 was not a generic
13 investigation in which the Commission simply announced policy for future implementation.
14 Instead, the purpose of this docket was to approve tariffs for PacifiCorp’s Five-Year
15 Program,⁹ which necessarily involved review of the underlying rate calculation and
16 assumptions of the Consumer Opt-Out Charge.

17 In addition, given the well-developed state of the record in this case, the Commission
18 denied the Stipulating Parties’ request for a second hearing based on the Commission’s
19 rejection of their stipulation.¹⁰ The Joint Parties’ Motion effectively renews this request for a

⁶ Joint Parties’ Motion at 9.

⁷ Joint Parties’ Motion at 7-8.

⁸ Joint Parties’ Motion at 8.

⁹ Order No. 15-060 at 1.

¹⁰ Order No. 15-060 at 4.

1 second hearing, apparently proposing to use PacifiCorp’s 2016 TAM as the forum. For the
2 same reasons the Commission previously rejected this request, it should reject it here.

3 Second, the fact that PacifiCorp’s exhibits showing the calculation of the Consumer
4 Opt-Out Charge were illustrative does not suggest that the methodology is unclear and
5 subject to additional litigation before the Five-Year Program is implemented. It is common
6 for parties to demonstrate calculations or methodologies using hypothetical numbers in
7 workpapers or illustrative exhibits. The fact that PacifiCorp followed this practice here
8 renders its methodology for the Consumer Opt-Out Charge more clear and definite, not less.

9 Third, PacifiCorp will calculate the Consumer Opt-Out Charge for the Five-Year
10 Program using the same methodology it uses for the annual TAM.¹¹ The Company has used
11 this methodology since 2004 with express Commission approval.¹² PacifiCorp’s initial
12 testimony described precisely how it would calculate the Consumer Opt-Out Charge,
13 including how it would use GRID to value the freed-up energy.¹³ In reply testimony,
14 PacifiCorp proposed only two changes.¹⁴

15 In this proceeding, the Stipulating Parties presented no testimony or evidence
16 challenging the calculation of the Consumer Opt-Out Charge—despite filing individual and
17 joint testimony, and despite the opportunity for cross-examination.¹⁵ It is inappropriate for

¹¹ Order No. 15-060 at 7.

¹² *In re Investigation into Direct Access Issues for Industrial and Commercial Customers Under SB 1149*, Docket No. UM 1081, Order No. 04-516 (Sept. 14, 2004) (approving interim use of GRID to calculate transition adjustment); *In re PacifiCorp Request for a General Rate Increase in the Company’s Oregon Annual Revenues*, Docket No. UE 170, Order No. 05-1050 (Sept. 28, 2005) (approving permanent use of GRID to calculate transition adjustment).

¹³ PAC/200, Duvall/4-6; Exhibit PAC/201.

¹⁴ To respond to the concern that a higher charge could be prohibitive, PacifiCorp reduced the number of years accounted for in the charge from 20 years to 10 years. PAC/400, Duvall/2. And, for consistency across opt-out programs (Schedules 294, 295 and 296), PacifiCorp agreed to adjust its use of GRID in calculating transition costs for the Five-Year Program to be fully consistent with how it uses GRID for the TAM. PAC/400, Duvall/18.

¹⁵ See PacifiCorp’s Rebuttal Brief at 2.

1 the Joint Parties to attempt to challenge these issues now during the implementation phase of
2 the Five-Year Program.¹⁶ The Commission has broad discretion to refuse a request in this or
3 another docket to modify Order No. 15-060, particularly where parties renew arguments the
4 Commission already rejected.¹⁷ In the future, if the Joint Parties believe they have new
5 evidence or new arguments demonstrating that the Consumer Opt-Out Charge is unjust or
6 unreasonable, they can attempt to seek Commission review at that time.

7 **B. The Commission’s Decisions on Load Growth and Fixed Generation Costs were**
8 **Correct and Final.**

9 As an alternative, the Joint Parties ask the Commission to “correct” or grant
10 reconsideration or rehearing on the impact of load growth on the Consumer Opt-Out Charge,
11 and how depreciation of fixed generation costs is reflected in the Consumer Opt-Out Charge.
12 Contrary to the Joint Parties’ assertions, there is no basis for these “corrections,” no error of
13 law or fact, and no cause for reconsideration or rehearing within the scope of ORS
14 756.561(1) and OAR 860-001-0720(3).¹⁸ The requirements of OAR 860-001-0720 are not

¹⁶ See e.g., *In re Ascertaining the Unbundled Network Elements that must be Provided by Incumbent Local Exchange Carriers to Requesting Telecommunications Carriers Pursuant to 47 C.F.R. § 51.319*, Docket Nos. UT 138 & UT 139 (Phase III), Order No. 03-085 at 16 (Feb. 5, 2003) (after entering order that prescribed methods for calculating certain telecommunication costs and charges, Commission rejected “inappropriate” attempt to relitigate issues during compliance filing phase of docket, reasoning compliance phase was “not a forum to relitigate issues that have already been decided”).

¹⁷ See e.g., *In re PacifiCorp Annual Tax Filing under ORS 757.268*, Docket No. UE 177(4), Order No. 11-026 at 5 (Jan. 20, 2011) (after entering protective order that limited document review to safe room, Commission rejected request to amend the order that renewed arguments already raised in prior attempts to modify the order); *Indus. Customers of Nw. Utilities v. Pub. Util. Comm’n of Oregon*, 240 Or App 147, 164 (2010) (construing ORS 756.568 to give Commission broad discretion and finding “nothing in the statute *requires* the PUC to amend an earlier order, particularly if there are prudential reasons not to do so”) (emphasis in original).

¹⁸ The Commission may reconsider or rehear an order if there is “sufficient reason” to do so. ORS 756.561(1). Under OAR 860-001-0720(3), “sufficient reason” consists of: previously unavailable, material evidence; a change in law or policy; an error of law or fact essential to the decision; or good cause for further examination of an issue essential to the decision. The Joint Parties cite OAR 860-001-0720(3)(c) “error of law or fact” and (d) “good cause” as bases for reconsideration or rehearing of Order No. 15-060. See Joint Parties’ Motion at 11.

1 met when a party “merely reiterates its prior argument and its disagreement with [a] decision
2 and its underlying reasoning.”¹⁹

3 **1. The Joint Parties Misconstrue the Commission’s Decision on Load**
4 **Growth.**

5 The Joint Parties ask the Commission to “correct” Order No. 15-060 to remove all
6 reliance by the Commission on GRID to resolve the issue of whether load growth will
7 mitigate transition costs or, alternatively, to grant rehearing and conduct further proceedings
8 on this question.²⁰ Specifically, the Joint Parties ask the Commission to determine that if
9 Section X of the 2010 Protocol is amended or if system load growth is otherwise reasonably
10 projected to absorb transition costs, the Consumer Opt-Out Charge will be reduced.

11 In their testimony and briefs, the Stipulating Parties argued that the Consumer Opt-
12 Out Charge is unjustified because PacifiCorp can adjust its system to match lost load within
13 five years, obviating any transition costs. PacifiCorp responded with significant evidence
14 demonstrating that this argument was incorrect. The Company explained it was
15 unreasonable to assume it could defer planned resource acquisitions based on departing direct
16 access load.²¹ The Company offered un rebutted evidence that savings from reduced front
17 office transactions associated with the loss of direct access load are already captured in GRID
18 model runs.²² The Company presented undisputed evidence that the Company forecasts no
19 load growth in Oregon and that the Commission’s current approach to inter-jurisdictional
20 allocation effectively forecloses consideration of system load growth as a stranded cost

¹⁹ *In re Portland General Electric Co.*, Docket Nos. UM 954 & UM 958, Order No. 00-308 (June 9, 2000) (denying request for reconsideration). As an example of unsuccessful relitigation, see the history of the BPA transmission credit. *See e.g., In re PacifiCorp 2013 Transition Adjustment Mechanism*, Docket No. UE 245, Order No. 12-409 at 17 (Jan. 15, 2013) (affirmed on reconsideration Order No. 13-008); *In re PacifiCorp 2014 Transition Adjustment Mechanism*, Docket No. UE 264, Order No. 13-387 at 13-14 (Oct. 28, 2013).

²⁰ Joint Parties’ Motion at 15.

²¹ PacifiCorp’s Rebuttal Brief at 10-11.

²² PAC/400, Duvall/5-6; *see* PacifiCorp’s Rebuttal Brief at 11.

1 mitigation factor in Oregon.²³ It also pointed out that GRID—the model relied upon by the
2 Company to produce both the transition adjustment and the Consumer Opt-Out Charge—
3 incorporates the Company’s total system load forecast and therefore fully accounts for
4 system load growth.²⁴

5 In Order No. 15-060, the Commission agreed with PacifiCorp, stating:

6 The Stipulating Parties failed to rebut PacifiCorp’s evidence of
7 transition costs, up to approximately \$60 million, in years six to
8 ten of the program, and rely too heavily on mere assertions about
9 how transition costs beyond year five can be reduced or erased.
10 Moreover, we reject the Stipulating Parties’ arguments that
11 PacifiCorp’s system load growth will completely mitigate any
12 transition costs. As PacifiCorp notes, GRID considers forecasted
13 system load growth in calculating both the transition adjustments
14 and the consumer opt-out charge.²⁵

15 The Joint Parties assert that, faced with conflicting testimony, the Commission failed
16 to address the impact of system load growth and improperly relied exclusively on
17 PacifiCorp’s argument that GRID incorporates forecasted system load growth into valuing
18 freed-up power—evidence the Joint Parties claim is not properly in the record.²⁶

19 The Joint Parties mischaracterize Order No. 15-060 when they allege that the
20 Commission relied exclusively on GRID for its decision. PacifiCorp offered evidence
21 supporting numerous arguments rebutting the Joint Parties’ assertions that load growth could
22 mitigate transition costs. The Commission explicitly rejected *all* of the Joint Parties’
23 arguments on this issue.²⁷ The Commission’s decision did not rely solely on its recognition
24 that GRID accounts for system load growth.

²³ PAC/400, Duvall/5.

²⁴ PacifiCorp’s Rebuttal Brief at 10.

²⁵ Order No. 15-060 at 7.

²⁶ Joint Parties’ Motion at 13.

²⁷ Order No. 15-060 at 7.

1 Moreover, reliance on the Company’s explanation that GRID accounts for system
2 load growth in calculating both the transition adjustment and Consumer Opt-Out Charge is
3 entirely proper. The Company raised this issue in its rebuttal brief to respond to an argument
4 in the Stipulating Parties’ reply brief that “PacifiCorp must make appropriate planning
5 responses to *expected* direct access load.”²⁸

6 The fact that GRID considers forecasted system load growth is not a disputable fact,
7 and is certainly a fact that the Commission could reference for purposes of its decision. The
8 Company uses GRID to calculate the Consumer Opt-Out Charge in the same manner as it
9 uses GRID to calculate the transition adjustment in the annual TAM.²⁹ The TAM Guidelines
10 recognize that the updated net power costs in PacifiCorp’s initial filing each year are based
11 on the Company’s “most recent official forward price curve, *forecast load* and allocation
12 factors.”³⁰ In PacifiCorp’s 2013 TAM, the Commission summarized, “To initially forecast a
13 NPC for the 2013 TAM filing, the company updated the following GRID inputs: *system load*,
14 wholesale sales, purchase power expenses, wheeling expenses, market prices for natural gas
15 and electricity, fuel expenses, and the characteristics and availability of generation
16 facilities.”³¹ The Commission is entitled to rely on these past orders regarding the operation
17 of GRID in the TAM, and it may also take official notice of general or technical facts within
18 its specialized knowledge.³²

²⁸ PacifiCorp’s Rebuttal Brief at 9 (quoting Stipulating Parties’ Post-Hearing Reply Brief at 13) (emphasis added in PacifiCorp’s Rebuttal Brief).

²⁹ PAC/400, Duvall/4, 18; *see* PacifiCorp’s Rebuttal Brief at 2.

³⁰ *In re PacifiCorp 2009 Transition Adjustment Mechanism Schedule 200, Cost-Based Supply Service*, Docket No. UE 199, Order No. 09-274, App. A at 9 (July 16, 2009) (emphasis added).

³¹ *In re PacifiCorp 2013 Transition Adjustment Mechanism*, Docket No. UE 245, Order No. 12-409 at 1 (Oct. 29, 2012) (emphasis added).

³² OAR 860-001-0460(1)(e).

1 Finally, the Joint Parties argue that because GRID models only NPC and does not
2 address fixed generation cost recovery, GRID’s use of a system load forecast does not negate
3 the Joint Parties’ load growth argument.³³ But—as explained in PacifiCorp’s rebuttal brief
4 and demonstrated in PacifiCorp’s testimony and exhibits—GRID is used to capture the value
5 of freed-up energy in the calculation of the Consumer Opt-Out Charge.³⁴ System load
6 growth reflected in GRID increases the value of the freed-up energy, increases the offset to
7 fixed generation costs, and mitigates (but does not eliminate) transition costs. In this way,
8 system load growth is accounted for in the Consumer Opt-Out Charge calculation.

9 **2. The Joint Parties Challenge Fixed Generation Costs without**
10 **Substantiating Evidence and Misstate How Depreciation is Reflected in**
11 **Rates.**

12 Without citing to any substantiating evidence, the Joint Parties ask the Commission to
13 “correct” Order No. 15-060 to state that departing customers are responsible only for the
14 *depreciated* value of generation assets.³⁵ Alternatively, the Joint Parties ask the Commission
15 to grant rehearing and conduct further proceedings on this issue.

16 This issue was first raised by the Joint Parties in their reply brief.³⁶ Without
17 supporting evidence, there is no basis for a request to “correct” the Order.

18 The Commission should likewise deny the request for rehearing. The Joint Parties
19 made this argument in briefing, PacifiCorp fully responded, and the Commission impliedly
20 accepted PacifiCorp’s position in approving the Consumer Opt-Out Charge as proposed.³⁷

21 As outlined in PacifiCorp’s rebuttal brief:

³³ Joint Parties’ Motion at 14.

³⁴ PAC/200, Duvall/4; PacifiCorp’s Rebuttal Brief at 10.

³⁵ Joint Parties’ Motion at 16-20.

³⁶ Stipulating Parties’ Post-Hearing Reply Brief at 10-11.

³⁷ Order No. 15-060 at 6.

- 1 1. The Joint Parties made this argument for the first time in their reply brief after
2 failing to present any testimony or evidence challenging PacifiCorp’s
3 calculation of the Consumer Opt-Out Charge.
- 4 2. The Joint Parties relied only on a Brattle Group article cited in PacifiCorp’s
5 opening brief for an entirely different point (and which the Joint Parties
6 otherwise claimed was irrelevant).
- 7 3. The Company’s treatment of fixed generation costs—holding them constant
8 through year 10 and escalating only for inflation—is conservative and one that
9 is entirely consistent with past treatment of this component of the transition
10 cost calculation.
- 11 4. Staff’s reply testimony supported the escalation of fixed generation costs for
12 the first five years and there is no theoretical basis for cutting off this
13 escalation at year six.³⁸
- 14 5. It was arbitrary for the Joint Parties to concede that fixed generation costs will
15 be inclining the first five years of the transition costs calculation and then
16 claim the same costs should decline in years six through 10.³⁹

17 In their motion, the Joint Parties also misstate how depreciation is reflected in rates.
18 The Joint Parties argue that a “stranded cost calculation cannot assume that the current fixed
19 generation costs will remain constant.”⁴⁰ Yet, it is fundamental that while a plant’s
20 depreciated value goes down over time, plant balances and depreciation expense remain
21 constant in rates. The Commission has specifically affirmed this point in past cases.⁴¹ The
22 Joint Parties’ argument on this issue is procedurally and substantively deficient.

23 **C. Issues around VRET are Outside the Scope of this Proceeding.**

24 In their motion, the Joint Parties argue that Commission should ensure the Consumer
25 Opt-Out Charge does not impede customer alternatives, particularly in the context of a

³⁸ See Staff/100, Compton/6.

³⁹ PacifiCorp’s Rebuttal Brief at 7-8.

⁴⁰ Joint Parties’ Motion at 17.

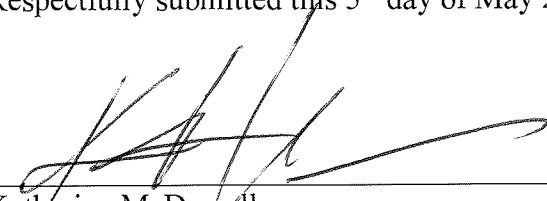
⁴¹ See e.g., *In re Portland General Electric Co.*, Docket Nos. DR 10, UE 88 & UM 989, Order No. 08-487 at 90 (Sept. 30, 2008), *aff’d Gearhart v. Pub. Util. Comm’n of Oregon*, 356 Or 216 (2014) (analogizing amortization of Trojan asset to a home mortgage, where amount of monthly payment remains constant).

1 PacifiCorp voluntary renewable energy tariff (VRET).⁴² This argument is without
2 foundation in the record, speculative, and out of place in this docket. The Commission is
3 separately considering VRET issues in docket UM 1690. The Joint Parties should raise their
4 concerns, if applicable, in a proceeding where a specific VRET will be decided.

5 **III. CONCLUSION**

6 Based on the foregoing, PacifiCorp respectfully requests that the Commission deny
7 the Joint Parties' Motion for Clarification or, in the Alternative, Reconsideration or
8 Rehearing.

Respectfully submitted this 5th day of May 2015,



Katherine McDowell
McDowell Rackner & Gibson PC

Sarah Wallace
Vice President and General Counsel
PacifiCorp d/b/a Pacific Power

Attorneys for PacifiCorp

⁴² Joint Parties' Motion at 5-6.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 267

Appendix A

to

PACIFICORP'S

**RESPONSE IN OPPOSITION TO JOINT PARTIES' MOTION FOR
CLARIFICATION OR, IN THE ALTERNATIVE, APPLICATION FOR
RECONSIDERATION OR REHEARING**



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May 4, 2015

Via Electronic Mail

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Data Request Response Center
PacifiCorp
825 NE Multnomah Street, Suite 200
Portland, OR 97232
datarequest@pacificorp.com

Re: UE 296 - Noble Americas Energy Solutions LLC's First Set of Data Requests to PacifiCorp

Please see the data requests set forth below with regard to the above-referenced docket. Please provide responses electronically only, and in the original electronic format, if possible. Please use the definitions set forth below. These are ongoing requests, and include requests for information that becomes available during these proceedings.

Please provide responses to the following persons:

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DEFINITIONS

For the purposes of these requests, the following words have the following meanings:

1. “Documents” refers to all writings and records of every type in your possession, control, or custody, whether or not claimed to be privileged or otherwise excludable from discovery, including but not limited to: testimony and exhibits, memoranda, papers, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, bills, invoices, statements of services rendered, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data (including E-mail), computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, work papers, engineering diagrams (including “one-line” diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise, and drafts of any of the above.

“Documents” includes copies of documents, where the originals are not in your possession, custody or control.

“Documents” includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy.

“Documents” also includes any attachments or appendices to any document.

2. “Identification” and “identify” mean:
When used with respect to a document, stating the nature of the document (e.g., letter, memorandum, minutes); the date, if any, appearing thereon; the date, if known, on which the document was prepared; the title of the document; the general subject matter of the document; the number of pages comprising the document; the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document; the identity of each person who signed or initiated the document; the identity of each person to whom the document was addressed; the identity of each person who received the document or reviewed it; the location of the document; and the identity of each person having possession, custody, or control of the document.

When used with respect to a person, stating his or her full name; his or her most recently known home and business addresses and telephone numbers; his or her present title and position; and his or her present and prior connections or associations with any participant or party to this proceeding.

3. “PacifiCorp” and “the Company” refer to PacifiCorp, any affiliated company, or any

officer, director or employee of PacifiCorp or any affiliated company.

4. "Person" refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.
5. "Studies" or "study" includes, without limitation, reports, reviews, analyses and audits.
6. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of this discovery any information or documents which might otherwise be considered to be beyond their scope.
7. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular, whenever appropriate in order to bring within the scope of this discovery request any information or documents which might otherwise be considered to be beyond their scope.
8. "Work papers" means documents that show the source, calculations, and details supporting the material referenced in the data request.

DATA REQUESTS

1. Section 15 of the TAM Stipulation dated September 4, 2008 in UE-199 provides that in the calculation of the Schedule 294 transition adjustment, monthly thermal generation that is backed down for assumed direct access load will be priced at the simple monthly average of the COB price, the Mid-Columbia price, and the avoided cost of thermal generation as determined by GRID. Section 15 further provides that the monthly COB and Mid-Columbia prices will be applied to the heavy load hours or light load hours separately. Please confirm that PacifiCorp has used the calculation described above in calculating the Sample Schedule 294 Transition Adjustments for Schedules 30 and 48 filed in UE-296.
2. Please provide PacifiCorp's responses to Noble Solutions' requests 1.1, 1.2, 1.3, 1.4, and 1.7 in UE 267, and correct or update any information provided in those responses.
3. Please provide access to the GRID model as used by the Company in this docket to Noble Solutions' consultant, Don Hendrickson of Energy Strategies in Salt Lake City.
4. Please provide the following information regarding PacifiCorp's Oregon retail load in 2014, expressed in MWH, and indicate whether PacifiCorp's sales to Georgia Pacific-Camas are included in (a) and (b):
 - a. Total Oregon retail load excluding direct access.
 - b. Total Oregon retail load that was eligible for direct access.
 - c. Direct access load (annual and three-year opt out).
 - d. Direct access load – three-year opt-out only.
5. Please provide the following information regarding PacifiCorp's projected Oregon retail load in 2015, expressed in MWH:
 - a. Total Oregon retail load excluding direct access.
 - b. Total Oregon retail load that was eligible for direct access.
 - c. Direct access load (annual and three-year opt out).
 - d. Direct access load – three-year opt-out only.
6. Please provide a copy of the data responses provided by PacifiCorp to other parties in this docket. Please note this is an ongoing request.
7. Please provide sample calculations and supporting work papers for Schedule 296 (transition adjustments and opt-out charge) that would be applicable to Schedule 30-Secondary customers and Schedule 48-Primary customers.
8. In calculating the Schedule 296 opt-out charge:
 - a. Please explain the assumptions the Company intends to use regarding Schedule 200 fixed generation costs for the period 2021-2025.

- b. What was the amount of Oregon rate base included in determining Schedule 200 in the Company's most recent Oregon general rate case?
 - c. What was the amount of Oregon accumulated depreciation included in rate base that was included in determining Schedule 200 in the Company's most recent Oregon general rate case?
 - d. Please explain how the Schedule 296 opt-out charge takes account of projected changes in accumulated depreciation for the period 2021-2025.
 - e. Please provide the Company's best estimate of the projected annual accumulated depreciation included in Schedule 200 for each year from 2015 through 2025.
9. Does the GRID model capture changes in fixed generation costs when projecting the generation cost of future periods or must changes in fixed generation cost be estimated external to the GRID model? If the Company maintains that the GRID model captures changes in fixed generation costs, please explain and show where in the model this is reflected.
10. Please provide PacifiCorp's 1st Supplemental Response to CREA 10.2 (including the non-confidential Attachment) provided in UM 1610. Please also provide all other confidential and non-confidential work papers supporting the load and resource balance from the 2013 IRP Update.
11. Are the costs of renewable resources used by the Company to meet its Renewable Portfolio Standard requirements included in Schedule 200? If not, please explain how these costs are recovered by the Company from Oregon ratepayers.
12. When Oregon customers select direct access service does that reduce the Renewable Energy Credits ("RECs") that the Company needs to meet its Oregon Renewable Portfolio Standard requirements? If not, please explain why not.
13. Does the Company agree that the calculation of the Schedule 294, 295, and 296 transition adjustments do not reflect the value of RECs that are freed-up as a result of direct access? Does the Company believe it is appropriate to adjust the transition adjustment calculation to reflect the freeing-up of RECs due to direct access? If not, please explain the basis for the Company's response.
14. Please provide the Company's most recent valuation of its REC sales, including work papers.
15. Please provide the Company's most recent RPS compliance filing, including all supporting work papers and documents.
16. Reference UE 267 PAC/300, Steward/11:20 – 12:6, stating:

Service under Schedule 296 requires the customer to take supply service from an ESS. If the customer opts out, but the Company does not receive a DASR by the appropriate time to allow the ESS to provide service beginning on January 1, the Company proposes that

the customer's opt-out election revert to the one-year program, Schedule 294. This means that the customer would be placed on Schedule 220, Standard Offer Supply Service, until a DASR is received. If a DASR is received, then the customer would be moved to Schedule 294, consistent with the tariff. The customer would have the ability to elect a Schedule 296 opt-out the following November, at which point the five-year transition would begin (assuming that the overall program cap has not been reached).

- a. Does the Company agree that a more reasonable solution to the problem identified is to place the customer on the Schedule 296, five-year program commencing on February 1, 2016? If not, please explain why not.
- b. Please explain which tariff supports the proposal to reject the customer's election to the five-year opt-out program on Schedule 296 and to place the customer on Schedule 294, which the customer did not elect.
- c. Please explain which Commission order supports the proposal to reject the customer's election to the five-year opt-out program on Schedule 296 and to place the customer on Schedule 294, which the customer did not elect.
- d. Please identify the date in December 2015, by which the Company believes it must receive the DASR in order "to allow the ESS to provide service beginning on January 1." Please identify the Commission order, rule, or tariff identifying this date, or otherwise explain PacifiCorp's basis for this date.

Thank you for your prompt attention to this request.

Sincerely,

/s/ Gregory M. Adams

Gregory M. Adams
Attorney for Noble Americas Energy Solutions LLC