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2  
3 **BEFORE THE PUBLIC UTILITY COMMISSION**  
4 **OF OREGON**

5 **UM 1002**

6 WAH CHANG,

7 Petitioner,

8 v.

9 PACIFICORP,

10 Respondent.

**PACIFICORP'S RESPONSE TO WAH  
CHANG'S MOTION FOR LEAVE TO  
FILE REPLY IN SUPPORT OF MOTION  
FOR FINDING REGARDING  
PACIFICORP'S PARTICIPATION IN  
ELECTRICITY MARKET  
MANIPULATION**

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12 **I. INTRODUCTION**

13 Wah Chang requests leave to file a reply memorandum in support of its Motion for  
14 Finding Regarding PacifiCorp's Participation in Electricity Market Manipulation. Wah Chang's  
15 request should be denied. The Commission's rules provide that a motion is followed by a  
16 response. That has occurred. Wah Chang simply wants the last word, in contravention of the  
17 rules. There is no basis for granting Wah Chang's request.

18 **II. DISCUSSION**

19 The rules do not permit a reply brief on Wah Chang's motion. The relevant procedural  
20 rules are set forth in OAR 860-013-0050(3)(d), which establishes a timeline for a "response" to a  
21 motion (15 days) and makes no provision for a "reply" to that response.

22 As the moving party, Wah Chang enjoyed an opportunity to present its argument, and  
23 PacifiCorp responded in accordance with OAR 860-013-0050(3)(d). Predictably, Wah Chang  
24 does not like PacifiCorp's response. Wah Chang now seeks leave to file an inappropriate reply  
25 under the guise that it is necessary "to correct factual mistakes . . . and to clarify the standard of  
26

1 decision." This is merely an attempt to have the last word by commenting on the adequacy of  
2 PacifiCorp's response to the motion. All of the relevant facts have been set forth in the parties'  
3 briefs, and Wah Chang has had the opportunity to cite legal authorities. The Commission is  
4 capable of applying the authorities to the facts without further assistance from Wah Chang.  
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6 If Wah Chang, in contravention of the rules, were to be given a second bite, it would only  
7 be fair to give PacifiCorp one as well, which could very well lead to another request by Wah  
8 Chang. The rules clearly foreclose this scenario by giving *each* party *one* opportunity to present  
9 its arguments. The rules exist for good reason, and Wah Chang has cited no reason why it  
10 should be excused from them.

11 **III. CONCLUSION**

12 Because a reply memorandum is not allowed under this Commission's rules, Wah  
13 Chang's request for leave to file a reply should be denied.

14 DATED: August 31, 2007

**PERKINS COIE LLP**

15  
16 By 

James M. Van Nostrand, OSB No. 794289  
Christopher L. Garrett, OSB No. 031000

17  
18 Attorneys for PacifiCorp

1 **CERTIFICATE OF SERVICE**

2 I certify that I have this day served the foregoing document, encaptioned PACIFICORP'S  
3 RESPONSE TO WAH CHANG'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
4 MOTION FOR FINDING REGARDING PACIFICORP'S PARTICIPATION IN  
5 ELECTRICITY MARKET MANIPULATION, by causing a copy to be hand delivered (except  
6 as otherwise noted) to:

7 Richard H. Williams  
8 Milo Petranovich  
9 Lane Powell PC  
10 Suite 2100  
11 601 SW Second Avenue  
12 Portland, OR 97204

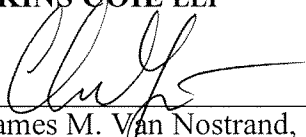
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OVERNIGHT COURIER  
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15 DATED: August 31, 2007

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