

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1355

In the Matter of)	
)	CUB’S REPLY IN OPPOSITION TO
THE PUBLIC UTILITY COMMISSION)	MOTIONS FOR ADDITIONAL
OF OREGON,)	TESTIMONY FILED BY PGE,
)	PACIFICORP AND IDAHO POWER
)	
Investigation into Forecasting Forced)	
Outage Rates for Electric Generating Units.)	
_____)	

I. History of the Docket

A. Origins - The First Year.

The UM 1355 Docket was created by the Public Utility Commission on November 2, 2007. The docket was opened pursuant to Ordering Paragraph 5 of the Commissions’ Order No. 07-015. The purpose of the docket was to investigate Forecasting Forced Outage Rates for Electric Generating Units. CUB filed a Notice of Intervention on November 13, 2007. PacifiCorp, ICNU and PGE all intervened in this docket during January 2008. A Pre-hearing Conference Report was issued by ALJ Arlow on February 4, 2008. That initial conference report required parties to file their issues lists by February 19, 2008, and a workshop was scheduled for March 18, 2008. On July 10, 2008, Staff moved to modify the schedule. The new schedule was as follows:

- Parties’ proposals on forced outage rates filed October 2, 2008
- Workshop - October 16, 2008
- Prehearing Conference - November 6 or 7, 2008

On October 2, 2008, ICNU and PGE chose to file position statements.

PGE's statement is summarized below:¹

PGE proposes that the four-year average methodology used in the most recent rate cases continue to be used in Oregon rate-making. The four-year-average approach to calculating and applying a forced outage rate ("FOR") in rate-making is reasonable, has served PGE and its customers well over many years, and should be continued. The existing methodology was documented in the "1984 Staff Memo" and PGE suggests that the Commission might consider having a contemporary memo drafted that would take note of the practice of the last 24 years, offer some additional explanatory description of the rationale for the methodology, and place the four-year-average method in a current context, perhaps including some recent examples.

ICNU's proposal statement is summarized as follows:²

Outage rates should be based on a single or multi-year rolling average when valid historical data is available. The period should reflect traditional ratemaking concepts, including normalization. The period should also be determined by a sound statistical methodology, if possible. ICNU proposes a four year default period, unless statistical analysis shows compelling support for another time period.

* * * * *

Planned and forced outage rate modeling should be coordinated and consistent so that they use the same time period. Planned outage scheduling should represent past patterns during the historical period.

Annual, not monthly, average outage rates should be used unless there is statistical data or a sound engineering basis for monthly outage rates. Annual outage rates should differ between weekend and weekdays, or between light load hours and heavy load hours.

* * * * *

Imprudent outages should be removed from outage rate calculations. In such cases, a full single or multi-year period of statistical data should be applied in replacement for the imprudent outage. The Commission should formalize standards for prudence determinations of specific outages. The outages disallowed in UE 191 could provide a template for these standards.

* * * * *

If a plant has a history of poor performance, the utility should be required to use the average national outage rate for similar units, or explain why the low rate is not the result of poor management or imprudent action. This will provide utilities with the incentive to efficiently operate their generating units and/or provide strong initial evidence in rate proceedings to justify poorly performing units.

¹ PGE Forced Outage Calculation Method page 1.

² Outage Proposal of Northwest Utilities pages 4-6.

Idaho Power Company moved to intervene on October 7, 2008. This is an old, well-argued docket.

B. The Second Year.

Marking this docket's entry into its second year, a pre-hearing conference was held on November 13, 2008, and a new schedule was set. That schedule provided as follows:

- All Parties file list of proposed issues for inclusion in the proceeding - January 23, 2009
- Opening Testimony due for all parties - February 23, 2009
- Reply Testimony due for all parties - March 23, 2009
- Hearing - April 6, 2009
- Opening Briefs due for all parties - April 21, 2009
- Reply Briefs due for all parties - May 1, 2009
- Anticipated date of Commission Order - June 1, 2009³

On November 18, 2008, Idaho Power moved for a protective order and the request was granted. On January 23, 2009, Staff informed the ALJ that the parties were working on a joint issues list and requested additional time for filing the issues list— this request was granted. The consolidated issues list was filed January 30, 2009. The schedule was amended again with opening testimony due on April 7, 2009.

By the time Opening Testimony was filed, four work shops had taken place - March 18, 2008, October 22, 2008, December 3, 2008, and January 14, 2009. The schedule was modified again on March 24, 2009. The new schedule was as follows:⁴

Reply Testimony Due	May 13, 2009
Hearing	May 28, 2009
Opening Briefs Due	June 29, 2009
Closing Briefs Due	July 15, 2009
Anticipated Date of Commission Order	August 15, 2009

On April 7, 2009, Staff, CUB, ICNU, PGE and PacifiCorp all filed opening testimony in this docket. Staff's testimony can be summarized as follows:

³ ALJ Arlow's November 17, 2008 conference report.

⁴ ALJ Arlow's March 24, 2009 Ruling.

1. I agree with the Commission's statement in Order No. 07-015 (UE-180) that the historical performance of the generating unit is the best predictor of what will occur in the future.

2. I recommend that the formula used to calculate overall availability, and specifically forced outage rates, be changed. I will show that it is appropriate to separately calculate and model forced outage rates, planned outage rates, and a deferrable maintenance outage rate in order to accurately calculate availability for ratemaking purposes. I am defining a "forced outage" as an unplanned event that causes a generation facility to shutdown or reduce capacity immediately. "Planned outages" are outage events that are scheduled more than one year in advance. Finally, "maintenance outages" are outage events and reduced capacity events that are scheduled in a relatively short time frame (i.e. a few days to less than one year).

3. I propose the use of industry data provided by the North American Electric Reliability Council (NERC) for benchmark purposes, in order to objectively define the level at which a plant has experienced an extreme forced outage event, or on a cumulative basis, an extreme forced outage year. The definition of an extreme outage event generally refers to an extended time period, beyond what would be considered "normal." The benchmark will be set according to a discrete probability distribution¹ of the industry outage information, with the benchmark set at less than 10 percent probability of occurrence. This tool will allow the Commission to objectively define whether the reported forced outage rate is reasonably likely to occur in the test period. If the benchmark shows that the rate is unlikely to occur in any given year, then an adjustment will be made to the forced outage rate.

4. The appropriate application of a forced outage rate on hydroelectric units, specifically storage hydroelectric units, should not cause an overall decrease in total MWh produced by the facility for the year. If a utility were able to show that a hydroelectric unit was forced to spill water in every occasion that it experienced a forced outage, then a decrease in total output would be appropriate; however, I have not found this to be the case.

5. Non-base load resources (e.g., gas fired peaking plants) require a different formula than that of base load resources (e.g., coal generation facilities). I propose the Commission use NERC's equivalent forced outage rate (demand) (EFOR(d)) formula.

6. Finally, I propose the Commission require the utilities to provide a wind availability report for each wind facility on an annual basis that will show:
A. Maximum net output of the facility given the actual wind

conditions in a calendar year.

B. Lack of availability due to planned maintenance.

C. Lack of availability due to line loss.

D. Lack of availability due to forced outages, turbine failure, or non10 scheduled maintenance.

E. Then, subtract factors B, C, and D above from A to provide the actual capacity factor for a wind facility in a calendar year.

This information will provide a useful history that will allow the Commission to obtain a better understanding of the different factors that affect the actual output of wind facilities. For ratemaking purposes, this information will provide an historical record that will facilitate a future determination of the appropriate methodology for calculating the capacity factor of wind farms in a test year.⁵

PGE testified that:

Although parties covered a variety of issues related to forecasting methodology for generating units, including thermal, wind and hydro facilities, and the workshops were productive, a better methodology than the 4YRA was not developed.⁶

PGE proposes that the Commission continue to use a 4YRA methodology for the following:

- The 4YRA works well and is flexible enough for specific adjustments, as necessary.
- This methodology complements other regulatory mechanisms.
- The regulatory mechanisms work in concert to promote the goal of seeking "...the most accurate forecast of forced outage at the relevant plants."
- The methodology in the 1984 Staff memo is still relevant for the current issues in the docket.⁷

PGE does not subscribe to the notion that there must be one method used by all utilities to calculate the FOR. There are too many variables to consider for each generating unit to apply a "one-size-fits-all" approach. We appreciate that the formulaic approach promotes convenience in reporting and analyzing plant data. But, we strongly believe that applying a generic formula to plant specific data would most likely result in less accuracy in estimating forced outages rates for regulatory purposes. We believe that plant specific data should be used to forecast forced outages rates because this will provide the most accurate forecast. To the extent that changes must be made to the 4YRA to accommodate significant events it can be, and has been, done.⁸

⁵ Docket UM 1355 Staff/100 Brown/ 2-3 citations omitted.

⁶ UE 1355 / PGE / 100 Hager - Tinker / 3.

⁷ UE 1355 / PGE / 100 Hager - Tinker / 5

⁸ UE 1355 / PGE / 100 Hager - Tinker / 9.

PacifiCorp testified in summary:

PacifiCorp is submitting direct testimony of the following witnesses on the Consolidated Issues List adopted in this proceeding.⁹

I will respond to items in Issue I on the Consolidated Issues List adopted in this proceeding. Specifically, I explain the Company's proposals for the following:

- The recommended forecasting methodology for equivalent unplanned outage factors for thermal plants (Issue I), including the difference between flexible and baseload units (Issue I.A.).
- What outages should be included in equivalent unplanned outage factors (Issue I.B.).
- The appropriate methodology for calculating equivalent unplanned outage factors (Issue I.D.).
- How new resources should be treated in the forecasting methodology (Issue I.E.).
- What the appropriate length of time is to use for historical periods (Issue I.F.).
- Whether factors should be adjusted to account for capital investments that improve reliability (Issue I.H.).¹⁰

CUB and ICNU also filed testimony based on the Consolidated Issues List.^{11 12}

The major points of my testimony are as follows:

1. I present statistical data supporting the use of a weekend/weekday or HLH/LLH split for modeling of forced outage rates. This approach conforms to actual practice in utility operations.

2. Planned outages should also be scheduled based on historical scheduling patterns, following the actual cost minimizing practices of the utilities. I present a methodology for determination of planned outage schedules for power cost studies based on the actual schedules used by utilities. This is superior to PacifiCorp's arbitrary and unstable "normalization" approach, and avoids many of the past problems experienced with PGE's use of forecasted schedules.

3. The Commission should continue to make prudence disallowances for unplanned outages caused by management failures, and continue to make adjustments to remove costs of extremely long outages.

⁹ PacifiCorp Cover Letter of April 7, 2009 submitting direct testimony.

¹⁰ PacifiCorp / 100 / Godfrey / 1-2.

¹¹ Cub 100 Direct Testimony of Bob Jenks page 1.

¹² ICNU 1100 Direct Testimony of Randall Falkenberg page 1.

4. PacifiCorp's forced outage modeling of hydro resources should be rejected as it is arbitrary, poorly documented and unrealistic. PGE does not now model hydro forced outages in MONET.

5. PacifiCorp should adopt PGE's capacity deration and heat rate modeling method from MONET to correctly apply outage rates in GRID. PacifiCorp's method is simply wrong and can produce absurd results.

6. Outage rates for gas-fired plants should be based on the North American Electric Reliability Council ("NERC") Equivalent Forced Outage Rate demand ("EFOR_d") methodology. EFOR_d is widely accepted within the industry for modeling outage rates of peaking and cycling units.

7. Ad-hoc adjustments, such as PacifiCorp's ramping adjustment should not be allowed in modeling of outage rates. Outage rates should be based on industry standard data and formulae.

8. For new resources, the same outage rates as used in the integrated resource planning ("IRP") or resource evaluation process should be applied until there is sufficient data to compute a realistic outage rate from resource specific data.

9. A multi-year average should be used to compute outage rates. Absent compelling statistical support for making a change, the four year average should continue to be used. I recommend certain reporting requirements and an incentive mechanism to avoid the unintended consequences stemming from use of historical outage data.¹³

Idaho Power chose not to file testimony.

On May 13, 2009, the same filing parties chose to file reply testimony.¹⁴

PacifiCorp also filed a motion seeking to limit the issues in the docket to generic issues.

Idaho Power again chose not to file testimony.

On May 27, 2009, ALJ Arlow ruled on PacifiCorp's motion to limit the issues in the docket to generic issues. The motion was denied. As ALJ Arlow observed, "PacifiCorp and PGE had ample opportunity to object to the scope of the issues in this

¹³ ICNU / 100 / Falkenberg / 1-2.

¹⁴ PGE cover letter of May 13, 2009, PacifiCorp cover letter of May 13, 2009, ICNU 200, CUB 200.,

docket and had been put on notice regarding ICNU's view of the scope of the proceedings. ICNU will be allowed to pursue all issues raised in its testimony."¹⁵ On May 28, 2009, a workshop was held before the Commissioners – all Commissioners attending and asking questions.

June 29, 2009, saw yet another pre-hearing conference and another new schedule.

That schedule was as follows:

Companies file Supplemental Testimony	July 23, 2009
Staff, ICNU, and CUB file Reply Testimony	August 13, 2009
Hearing	August 21, 2009
Opening Briefs	September 8, 2009
Reply Briefs	September 18, 2009
Anticipated Date of Final Commission Order	October 19, 2009

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PacifiCorp filed its Supplemental testimony on July 24, 2009. That testimony provided a discussion of two issues:

(1) the non-comparable and non-verifiable nature of the NERC data Staff proposes to use in its benchmarking proposal for forced outage rates; and (2) technical problems with Staff's proposed benchmarking proposal for forced outage rates...."¹⁷

Staff and ICNU also filed supplemental reply testimony on August 13, 2009.¹⁸

On August 19, 2009, PGE filed a Stipulation regarding all issues for PGE. When all parties waived Cross Examination the ALJ cancelled the hearing and set a briefing schedule. On September 1, 2009, Idaho Power filed a Stipulation regarding all issues for

¹⁵ ALJ Arlow's May 27, 2009 ruling.

¹⁶ ALJ Arlow's July 6, 2009 Ruling.

¹⁷ PPL 102 Godfrey page 1.

¹⁸ PacifiCorp Supplemental Testimony submitted August 13, 2009; ICNU Supplemental Testimony submitted August 13, 2009.

Idaho Power. Then on September 4, 2009, PacifiCorp filed the PacifiCorp, Staff, CUB, and ICNU's Partial Stipulation:

The Partial Stipulation was intended to resolve PacifiCorp's future outage calculations for all thermal plants and its adjustments to forced outage rates resulting from new capital investments and future wind availability reporting requirements. Non-outage related issues were reserved for a future docket.¹⁹

Finally, on September 16, 2009, Staff, CUB, ICNU and PacifiCorp filed opening briefs. And on September 24, 2009, Staff, CUB, ICNU and PacifiCorp filed Reply Briefs. Then on October 6, 2009 ALJ Arlow filed his Notice of Intent to Modify Stipulations and Establish Rate Calculation. Thereafter, on October 19, 2009, the utilities filed notices of intent to withdraw from the Stipulation. The Commission, on December 7, 2009 issued a revised notice "CLARIFICATION OF NOTICE OF INTENT TO MODIFY STIPULATIONS AND ESTABLISH RATE CALCULATIONS; REQUEST FOR COMMENT; ESTABLISHMENT OF PROCEDURES" and held a prehearing conference on January 7, 2009. The very next day PacifiCorp filed a letter seeking clarification of the docket. On January 19, 2009 CUB and ICNU submitted a letter in response to that filed on behalf of PacifiCorp. The ALJ ruled as follows:

¹⁹ Partial Stipulation of PacifiCorp, CUB and ICNU page 2.

Order No. 09-479 at p. 4, fn. 2, stated that pre-filed direct testimony of the parties and certain data responses had already been admitted into the record by Ruling of September 28, 2009.¹ The Commission further stated with respect to the Coal and Imprudence Issues:

Parties will only be allowed to offer additional testimony if they can establish that there are new issues of fact that their witnesses have not previously been able to address.

Regardless of whether additional testimony may be allowed, all parties will be allowed to file opening and reply briefs with respect to those issues and, in addition, may make further argument based upon the existing record with respect to other aspects and issues of the case if they so choose.” (Order at 4.)

Upon further review of all of the circumstances related to the Commission’s Order and the companies’ responses, I have concluded that in keeping with the Commission’s intention, the parties may file motions seeking the right to file additional testimony (but not the testimony itself) with respect to new issues of fact arising subsequent to the submission of reply and supplemental testimony. Such motions shall be filed no later than January 29, 2010. In order to ensure that all such testimony satisfies this requirement, before the testimony itself is

submitted, the motion shall set forth with particularity the new facts alleged which the testimony will purport to prove. Oppositions to motions shall be filed no later than February 5, 2010. Based upon the Ruling disposing of the motions, a conference will be held to establish a schedule for the remainder of the proceeding, including dates for submission of testimony in accordance with the Ruling.

C. Recent History – the start of the third year.

i. PacifiCorp’s Motion Requesting Supplemental Testimony Misses the Mark.

Pursuant to Administrative Law Judge ("ALJ") Allan Arlow's Ruling of January 22, 2010, on January 29, 2010, PacifiCorp filed a Motion requesting to be allowed to file additional testimony in regard to this docket. PacifiCorp specifically requested to be allowed to file testimony in regard to new factual issues “raised for the first time by the Commission in its October 7, 2009, Notice of Intent to Modify Stipulations and Establish Rate Calculation ("Notice").” The testimony will address issues that the Company's witnesses were unable to address in prior testimony.

PacifiCorp’s motion misses the mark. The ALJ did not say that the Company could request to file testimony “in regard to new factual issues raised for the first time by

the Commission in its October 7, 2009, Notice of Intent to modify Stipulations and establish Rate Calculation (“Notice”).” What the ALJ said was:

“the parties may file motions seeking the right to file additional testimony (but not the testimony itself) with respect to **“new issues of fact arising subsequent to the submission of reply**[May 13, 2009] **and supplemental testimony** [July 24, 2009].”

PacifiCorp’s testimony does not raise any new issues of fact arising subsequent to the submission of those two testimonies. The issues of fact discussed by PacifiCorp are all issues of fact that existed prior to each of the testimonies being filed.

ii. PacifiCorp has benefited from multiple rounds of testimony over a two plus year period in this docket.

The admittedly tedious chronology set forth at the beginning of CUB’s Reply in Opposition demonstrates clearly that PacifiCorp has been in this docket sparring from the outset – a period of more than two years. PacifiCorp has enjoyed at least four workshops, including one full Commissioner attended workshop. PacifiCorp has also filed direct, rebuttal, and supplemental testimony, an opening brief, a reply brief, a partial stipulation and a letter allegedly seeking clarification of certain issues. All of the issues that PacifiCorp raises in its motion seeking yet more testimony are issues that were already in play when it filed its reply and supplemental testimony. PacifiCorp has not only *not* raised any new issues, as required in the ALJ’s order, but has also failed to show any lack of due process at any point during this docket.

CUB respectfully requests that PacifiCorp’s motion for further testimony be denied.

iii. Idaho Power's Motion for Additional Testimony also misses the mark.

On the same day, and also pursuant to Administrative Law Judge Allan J. Arlow's January 22, 2010, Ruling, Idaho Power Company ("Idaho Power" or "Company") requested that it be granted the right to file additional testimony in response to the final reply testimony of the Industrial Customers of Northwest Utilities ("ICNU") and the Commission's Notice of Intent to Modify Stipulations and Establish Rate Calculation ("Notice") issued on October 7, 2009. Idaho Power also stated that its testimony will reply only to new issues of fact arising subsequent to the submission of reply and supplemental testimony and is therefore testimony that could not have been submitted at an earlier stage in this proceeding. As previously noted, what ALJ Arlow stated in his order was:

“the parties may file motions seeking the right to file additional testimony (but not the testimony itself) with respect to **“new issues of fact arising subsequent to the submission of reply[May 13, 2009] and supplemental testimony [July 24, 2009].”**

While stating that its testimony would reply only to new issues of fact, Idaho Power nonetheless failed to state any new issues. Again, all the issues raised were ones that existed prior to the opportunities for the parties to file reply and supplemental testimony. To be fair, we must note here that Idaho Power did not in fact file any testimony during this docket. But Idaho Power should not now be rewarded for a prior strategic decision to not file testimony. Idaho Power knew what the issues were and what was being argued. Idaho Power could have chosen to refute those arguments at any step along the way. Idaho Power had the right to file testimony, but simply chose not to exercise that right in lieu of entering into a Stipulation. CUB argues that the Company has, therefore, waived any right to file testimony at this time.

Idaho Power had all the same chances as PacifiCorp to attend workshops, file testimony and file briefs. Idaho Power made a strategic decision to follow another path and did not avail itself of those opportunities. All of the issues that Idaho Power raises in its motion seeking the opportunity to file yet more testimony are issues that were already in play when the other parties filed their reply and supplemental testimonies.

Idaho Power specifically stated that it wanted to file additional testimony in response to the final reply testimony of the Industrial Customers of Northwest Utilities ("ICNU") and the Commission's Notice of Intent to Modify Stipulations and Establish Rate Calculation ("Notice") issued on October 7, 2009. Why Idaho Power would state that it only wants to testify in regard to ICNU's testimony is a mystery to CUB, since the Commission's collar is, as all agree,²⁰ a hybrid of both Staff's and ICNU's proposals. This mystery is, however, irrelevant given the fact that without raising any new issues Idaho Power does not meet the standard for providing new testimony about any party's proposals.

Idaho Power has not only *not* raised any new issues, as required in the ALJ's order, but has also failed to show any lack of due process at any point during this docket. CUB respectfully requests that Idaho Power's motion for further testimony be denied.

iv. PGE's Motion Requesting Supplemental testimony misses the mark.

The third filing made on January 29, 2010, was by Portland General Electric Company (PGE), also pursuant to the ALJ's Ruling issued January 22, 2010. PGE requested that it be permitted to file additional testimony with respect to issues that have

²⁰ See, for example, PacifiCorp's Motion to File Additional Testimony 3 at lines 4-5; Idaho Power's Motion for Additional Testimony 2 at lines 21-23.

arisen subsequent to its last round of testimony. PGE's motion misses the mark. As noted previously, but it still bears repeating, what the ALJ actually said was:

“the parties may file motions seeking the right to file additional testimony (but not the testimony itself) with respect to **“new issues of fact arising subsequent to the submission of reply**[May 13, 2009] **and supplemental testimony** [July 24, 2009].”

The problem is that PGE's testimony does not raise any new issues of fact arising subsequent to the submission of the last testimony. The issues of fact discussed by PGE are all issues of fact that existed prior to the last testimony being filed.

v. PGE has benefited from multiple rounds of testimony over a two plus year period in this docket.

Like PacifiCorp, PGE has been in this docket sparring since the get go. The chronology set forth at the beginning of CUB's Reply in Opposition demonstrates clearly that PGE has enjoyed at least four workshops, including one full Commissioner attended workshop. PGE has also filed a position paper, opening, and reply testimony. PGE did not file any briefs having already entered into a Stipulation covering all issues. All of the issues that PGE raises in its motion, seeking yet more testimony, are issues that were already in play when its last round of testimony was filed. PGE has not only *not* raised any new issues, as required in the ALJ's order, but has also failed to show any lack of due process at any point during this docket. PGE had the right to file briefs but made the strategic decision to enter into a Stipulation of all issues. CUB argues that the Company has, therefore, waived any right to file additional testimony at this time. PGE should not be rewarded for its earlier strategic decision.

CUB respectfully requests that PGE's motion for further testimony be denied.

II. Conclusion.

This docket commenced in November 2007. There have been four workshops, including a full Commissioner attended workshop, multiple rounds of testimony and multiple rounds of briefing. The consolidated issues list created by all of the parties was broad and in-depth, requiring close attention by the parties. While the parties may not like the Commission's proposed collar in this matter, the collar was created based upon a full and complete record, there is substantial evidence to support its adoption, and the Commission has the authority to create a solution from whole cloth. The Commission's proposed forced outage collar is a hybrid of the Staff and ICNU proposals, both of which have been fully litigated. The issues of imprudent outages, and the issue of how to model outages falling outside of the collar, were addressed by the parties in their testimony and/or in their Stipulations, and the Utilities should not have the right to re-litigate these issues just because the Commission did not adopt their proposals. Add to this that none of the utilities complied with the standard set forth in the ALJ's order – "new issues of fact arising subsequent to the submission of reply and supplemental testimony" – and the Commission should find that each utility's request for additional testimony can, and should, be denied.

CUB recommends the Commission set a final briefing schedule that will result in a final Commission Order that can in turn be used to set rates in PGE and PacifiCorp's upcoming annual net power cost case proceedings. Because no party has identified any new facts arising subsequent to the filing of the reply and supplemental testimonies, the record should be closed. The final briefing schedule should provide the Utilities with

ample opportunity to address the issues in this prolonged proceeding including their objections to the proposed collar.

DATED this 5th day of February, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. McCracken', written in a cursive style.

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UM 1355 – CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of February, 2009, I served the foregoing CUB'S REPLY IN OPPOSITION TO MOTIONS FOR ADDITIONAL TESTIMONY FILED BY PGE, PACIFICORP AND IDAHO POWER in docket UM 1355 upon each party listed in the UM 1355 PUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending an original and one copy by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W denotes waiver of paper service)

(C denotes service of Confidential material authorized)

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