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October 11, 2012

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

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

Attn: Filing Center

**RE: Docket UE 246 – PacifiCorp's Objections to the Citizens' Utility Board of Oregon's
Additional Exhibits**

PacifiCorp d.b.a. Pacific Power encloses for filing its Objections to the Citizens' Utility Board of Oregon's Additional Exhibits.

Please contact Bryce Dalley, Director, Regulatory Affairs & Revenue Requirement, at
(503) 813-6389 for questions on this matter.

Sincerely,

William R. Griffith
Vice President, Regulation

Enclosure

cc: Service List – UE 246

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 246

In the Matter of
PACIFICORP d/b/a PACIFIC POWER
Request for a General Rate Revision.

**PACIFICORP'S OBJECTIONS TO
CUB'S ADDITIONAL EXHIBITS**

1 PacifiCorp d/b/a Pacific Power (PacifiCorp or the Company) respectfully submits
2 these objections to CUB/300 through CUB/316,¹ which were offered into the record by the
3 Citizens' Utility Board of Oregon (CUB) on October 9, 2012. Because CUB does not intend
4 to use these seventeen exhibits for cross examination, there is no basis for their admissibility
5 absent the parties' agreement to allow supplementation of the record in this manner.

6 Admission of these exhibits at this point in the process will be prejudicial to
7 PacifiCorp because: (1) there has been no foundation laid for their admission; (2) the
8 Company does not know how CUB plans to use the exhibits; and (3) the Company has no
9 opportunity to provide a substantive response to the exhibits. The procedural schedule in this
10 case does not allow PacifiCorp to submit additional evidence in response to CUB's new
11 exhibits, and the briefing schedule at this point allows for only one simultaneous post-hearing
12 brief. Thus, PacifiCorp may have no opportunity to respond to either the substance of these
13 exhibits or the arguments made by CUB that rely on these exhibits.

14 Furthermore, CUB/302-307, 310, 311, and 314-316 are documents that PacifiCorp
15 provided to CUB during discovery and before CUB filed testimony in this case (some

¹ CUB/301 was previously filed by the Sierra Club as Exhibit Sierra Club/109. CUB/315 was submitted yesterday as part of PacifiCorp's cross-examination exhibit PAC/2310. It is therefore unnecessary and potentially confusing for these exhibits to be included in the record twice.

1 received by CUB as early as April 2012). These documents could have been included in
2 CUB's pre-filed testimony, which would have allowed the Company to respond.

3 In addition to these general objections, the Company also raises the following,
4 specific objections to certain exhibits:

5 **1. CUB/308**

6 This document is CUB's confidential comments filed in Docket LC 48, on November
7 3, 2011. Docket LC 48 was Portland General Electric Company's 2009 Integrated Resource
8 Plan docket. PacifiCorp objects to the admission of these comments because the confidential
9 information is subject to the protective order in LC 48, Order No. 09-445. Use of the
10 confidential information in these comments outside of LC 48 constitutes a violation of Order
11 No. 09-445.

12 **2. CUB/311**

13 In addition to the objections provided above related to this exhibit, the Company also
14 renews the objection set forth in the exhibit itself. The Company objected to CUB's data
15 request 42, in part because it sought information that was irrelevant to this case. CUB's data
16 request 42 requested "all technical analysis conducted by the Company to determine the
17 options the Company had to meet the [Mercury and Air Toxics Standard] requirements."
18 The Mercury and Air Toxics Standard (MATS) rules were finalized in December 2011—
19 after all of the investment decisions at issue in this case were made. In Docket UE 233, CUB
20 argued that the Jim Bridger Unit 3 pollution control investments were made before the
21 MATS requirements were finalized and therefore Idaho Power Company could not have
22 made the decision to invest in the emissions control investments in consideration of MATS.²

² Docket UE 233, CUB/200, Jenks-Feighner/8.


1 Thus, even CUB has recognized that MATS was not a part of the decision-making process
2 for the investments at issue in this docket and is therefore irrelevant.

3 **3. CUB/312**

4 In addition to the objections provided above related to this exhibit, the Company also
5 renews the objection set forth in the exhibit itself. This document was provided to CUB
6 during discovery as a second supplemental response to CUB's data request 44. CUB's data
7 request 44 sought information related to the installation of selective catalytic reduction (SCR)
8 systems. The Company objected to this request because the costs associated with the
9 potential installation of SCR are not at issue in this case. The Company renews this
10 objection based on the relevance of the response.

11 In conclusion, CUB/300 to CUB/316 should not be admitted into the record. CUB
12 is attempting to burden the record with additional documents that it does not intend to use
13 during cross examination. Thus, CUB will not be able to establish the relevance of these
14 documents at hearing. CUB could have included the majority of these documents in its pre-
15 filed testimony. It is improper for CUB to now attempt to include these documents in the
16 record without testimonial support and without affording the Company a substantive
17 opportunity to respond.

Respectfully submitted this 11th day of October, 2012.


Sarah Wallace
Senior Counsel
PacifiCorp dba Pacific Power

Katherine A. McDowell
McDowell, Rackner & Gibson P.C.
Attorneys for PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document, in Docket UE 246, on the date indicated below by email, addressed to said parties at his or her last-known address(es) indicated below.

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