

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 246**

In the Matter of	)	
	)	CUB’S OBJECTIONS TO
PACIFICORP, dba PACIFIC POWER	)	PACIFICORP’S PROPOSED LIST OF
	)	EXHIBITS TO BE ENTERED INTO
Request for a General Rate Revision	)	THE RECORD
_____	)	

In compliance with the “Joint Pre-hearing Conference Memorandum” issued by ALJ Grant on September 20, 2012, the Citizens’ Utility Board of Oregon (CUB) hereby files its written objections to PacifiCorp’s Proposed List of Exhibits. For ease of reference CUB will set out the description of each document as filed by PacifiCorp followed by CUB’s written objection thereto if any.

**Objections (if any) to PacifiCorp’s Cross-Examination Exhibits:**

**PAC/2300 Portland General Electric Company, Addendum to 2009 Integrated Resource Plan**

CUB has no objection to this Exhibit at this time.

**PAC/2301 Portland General Electric Company Boardman Plant BART/Reasonable Progress Analysis Revision 3: Boardman 2020 Alternative**

CUB has no objection to this Exhibit at this time.

**PAC/2302 Portland General Electric Company, Reply Comments in Docket LC 48**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Reply Comments of PGE entered in PGE’s LC 48 Integrated Resource Plan. No witness from PGE is being made available for cross-examination related to this document. The document itself represents only the Reply Comments of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh its relevance to this proceeding. Should the ALJ decide to admit

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this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2303 Renewable Northwest Project and Citizens' Utility Board of Oregon, Joint Opening Comments in Docket LC 47**

CUB has no objection to this Exhibit at this time.

**PAC/2304 Citizens' Utility Board of Oregon Website News Post dated January 15, 2010**

CUB has no objection to this Exhibit at this time.

**PAC/2305 Citizens' Utility Board of Oregon Website News Post dated August 16, 2010**

CUB has no objection to this Exhibit at this time.

**PAC/2306 Citizens' Utility Board of Oregon Website News Post dated December 10, 2010**

CUB has no objection to this Exhibit at this time.

**PAC/2307 Citizens' Utility Board of Oregon Website News Post dated February 15, 2011**

CUB has no objection to this Exhibit at this time.

**PAC/2308 Tulsa World Website News Article dated April 25, 2011**

CUB has no objection to this Exhibit at this time.

**PAC/2309 Appeal and Petition for Review of BART Permits, BART Appeal Settlement Agreement**

CUB has no objection to this Exhibit at this time. CUB notes that in its own Exhibit List, CUB set forth this document as CUB Exhibit 309. CUB finds it odd that PacifiCorp is objecting to CUB's submission of this Exhibit while itself filing a more extensive version of this same Exhibit herein.

**PAC12310 Synapse Energy Economics, Inc., Report on Environmental Controls and the WECC Coal Fleet, January 23, 2011**

CUB has no objection to this Exhibit at this time.

**PAC/2311 Synapse Energy Economics, Inc., WECC Coal Plant Retirement Based on Forward-Going Economic Merit Presentation, January 10, 2011**

CUB has no objection to this Exhibit at this time.

**PAC/2312 Docket ID No. EPA-R08-0AR-2011-0114, Comments on EPA Proposed Rule on State Implementation Plans; Utah; Regional Haze Rule Requirements for Mandatory Class I Areas**

CUB has no objection to this Exhibit at this time.

**PAC/2313 Docket ID No. EPA-R08-0AR-2012-0026, Comments on EPA Proposed Approval, Disapproval, and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Region Haze**

CUB has no objection to this Exhibit at this time.

**PAC/2314 Standard & Poor's Report, March 10, 2008**

CUB has no objection to this Exhibit at this time.

**PAC/2315 Standard & Poor's Report, October 4, 2012**

CUB has no objection to this Exhibit at this time.

**PAC/2316 Portland General Electric Company, Rebuttal Testimony of Tinker-Schue-Drennan in Dockets UE 180, UE 181, and UE 184**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Rebuttal Testimony of PGE employee's Jay Tinker, Ted Drennan and then PGE employee Stephen Schue who is now an Oregon Public Utility Commission Employee. The testimony was entered in UE 180, 181 and 184. No witness from PGE is being made available for cross-examination related to this document. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE's behalf in this matter. The document itself represents only the Rebuttal Testimony of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2317 Portland General Electric Company, Sursurrebuttal Testimony of Tinker-Schue-Drennan in Dockets UE 180, UE 181, and UE 184**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Sursurrebuttal Testimony of PGE employee's Jay Tinker, Ted Drennan and then PGE employee Stephen Schue who is now an Oregon Public Utility Commission Employee. The testimony was entered in UE 180, 181 and 184. No witness from PGE is being made available for cross-examination related to this document. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE's behalf in this matter. The document itself represents only the Sursurrebuttal Testimony of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/23 18 Portland General Electric Company, Sursurrebuttal Testimony of Lesh in Dockets UE 180, UE 181, and UE 184**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Sursurrebuttal Testimony of PGE employee Pamela Lesh. The testimony was entered in UE 180, 181 and 184. No witness from PGE is being made available for cross-examination related to this document. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE's behalf in this matter. The document itself represents only the Sursurrebuttal Testimony of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2319 Portland General Electric Company, Direct Testimony of Pope in Dockets UE 180, UE 181, and UE 184 (sic)**

*CUB notes first that this Exhibit is incorrectly labeled. This Exhibit should be labeled as being from PGE Docket UE 215.*

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Direct Testimony of PGE employee Maria Pope. The testimony was entered in UE 215. No witness from PGE is being made available for cross-examination related to this document. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on

PGE's behalf in this matter. The document itself represents only the Direct Testimony of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2320 Portland General Electric Company, Rebuttal Testimony of Pope in Dockets UE 180, UE 181, and UE 184 (sic)**

*CUB notes first that this Exhibit is incorrectly labeled. This Exhibit should be labeled as being from PGE Docket UE 215.*

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Rebuttal Testimony of PGE employee Maria Pope. The testimony was entered in UE 215. No witness from PGE is being made available for cross-examination related to this document. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE's behalf in this matter. The document itself represents only the Rebuttal Testimony of PGE and is not an Order issued by the PUC – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2321 Motion to Admit Stipulation, Stipulation, and Explanatory Brief in Support of Stipulation in Docket UE 232, November 1, 2012**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* and because the document itself provides:

*“6. The Stipulating Parties agree that this Stipulation represents a compromise in the positions of the Stipulating Parties. Without the written consent of all parties, evidence of conduct or statements, including but not limited to term sheets or other documents created solely for use in settlement conferences in this docket, are confidential and not admissible in the instant or any subsequent proceeding, unless independently discoverable or offered for other purposes allowed under ORS 40.190.”*

*\* \* \**

*9. “ By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed*

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*that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.”*

This Stipulation was entered in PGE Docket UE 232. No witness from PGE is being made available for cross-examination related to this document, nor could one without the consent of the other parties. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE’s behalf in this matter. The document itself prohibits its use by PacifiCorp in this hearing and the dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2322 Motion to Admit Stipulation, Stipulation, and Explanatory Brief in Docket UE 256, September 19, 2012**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* and because the document itself provides:

*“6. The Stipulating Parties agree that this Stipulation represents a compromise in the positions of the Stipulating Parties. Without the written consent of all parties, evidence of conduct or statements, including but not limited to term sheets or other documents created solely for use in settlement conferences in this docket, are confidential and not admissible in the instant or any subsequent proceeding, unless independently discoverable or offered for other purposes allowed under ORS 40.190.”*

*\* \* \**

*9. “ By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.”*

This Stipulation was entered in PGE Docket UE 256. No witness from PGE is being made available for cross-examination related to this document, nor could one without the consent of the other parties. CUB is assuming the Company intends to try and enter this testimony through Mr. Stephen Schue who is no longer a PGE employee and one assumes not authorized to speak on PGE’s behalf in this matter. The document itself prohibits its use by PacifiCorp in this hearing and the dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

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**PAC/2323 Wyoming Industrial Energy Consumers, Direct Testimony of Randall Falkenberg in Wyoming Docket 20000-368-EA-10, September 10, 2012**

CUB objects to this exhibit on the grounds of *relevance* and *hearsay* in that the document contains the Direct Testimony of Randall J. Falkenberg on behalf of the Wyoming Industrial Energy Consumers (WIEC) in Wyoming Public Service Commission Docket NO. 20000-368-EA-10 and Mr. Falkenberg is not being made available for cross-examination in this Oregon PUC case regarding this document and its contents. The document itself represents only the Direct Testimony of WIEC and is not an Order issued by the PSCW – it is not a “final” document in a proceeding. The dangers of unfair prejudice and confusion of the issues outweigh any relevance to this proceeding. Should the ALJ decide to admit this document, and CUB does not think that the ALJ should, the document should be given limited if any weight in these circumstances.

**PAC/2324 Stipulation of the Parties, Exhibit 1 to the Stipulation, the Agreement of the Parties on TAM Guidelines in Docket UE 199, June 1, 2009**

CUB has no objection to this Exhibit at this time.

**PAC/2325 Joint Explanatory Brief in Support of the Stipulation in Docket UE 199, June 19, 2009**

CUB has no objection to this Exhibit at this time.

**PAC/2326 Stipulation in Docket UE 207, September 25, 2009**

CUB has no objection to this Exhibit at this time.

**PAC/2327 Joint Testimony in Support of Stipulation in Docket UE 207, September 25, 2009  
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CUB has no objection to this Exhibit at this time.

**PAC/2328 Stipulation in Docket UE 216, July 7, 2010**

CUB has no objection to this Exhibit at this time.

**PAC/2329 Joint Testimony in Support of Stipulation in Docket UE 216, July 26, 2010**

CUB has no objection to this Exhibit at this time.

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**PAC/2330 Industrial Customers of Northwest Utilities, Application for Deferred Accounting in Docket UM 1569, December 30, 2011**

CUB has no objection to this Exhibit at this time.

Dated this 10<sup>th</sup> day of October, 2012.

Respectfully submitted,

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

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## UE 246 – CERTIFICATE OF SERVICE

I hereby certify that, on this 11<sup>th</sup> day of October, 2012, I served the foregoing CUB'S **OBJECTIONS TO PACIFICORP'S PROPOSED LIST OF EXHIBITS TO BE ENTERED INTO THE RECORD** in docket UE 246 upon each party listed in the UE 246 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 one 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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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sommer Templet". The signature is fluid and cursive, with the first name "Sommer" being more prominent than the last name "Templet".

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