

Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • mail@dvclaw.com
Suite 400
333 SW Taylor
Portland, OR 97204

April 19, 2011

Via Electronic and US Mail

Public Utility Commission
Attn: Filing Center
550 Capitol St. NE #215
P.O. Box 2148
Salem OR 97308-2148

Re: In the Matter of OREGON PUBLIC UTILITY STAFF Requesting the
Commission direct PACIFICORP, dba PACIFIC POWER & LIGHT COMPANY
to file tariffs establishing automatic adjustment clauses under the terms of
SB 408.
Docket No. UE 177(4)

Dear Filing Center:

Enclosed please find the original and one copy of the Request for Final Payment
of Issue Fund Grant and Confidential Exhibit A on behalf of the Industrial Customers of
Northwest Utilities ("ICNU"). Pursuant to Section 7.3 of the Intervenor Funding Agreement,
Confidential Exhibit A is being submitted in a separate sealed envelope to the Commission and
PacifiCorp.

Thank you for your assistance.

Sincerely yours,

/s/ Sarah A. Kohler
Sarah A. Kohler

Enclosures
cc: Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Request for Final Payment on behalf of the Industrial Customers of Northwest Utilities upon the parties, on the service list, by causing the same to be deposited in the U.S. Mail, postage-prepaid, or sent via electronic mail to those parties who have waived papers service in this proceeding.

Dated at Portland, Oregon, this 19th day of April, 2011.

/s/ Sarah A. Kohler
Sarah A. Kohler

CITIZENS' UTILITY BOARD OF OREGON (W) ROBERT JENKS G. CATRIONA MCCrackEN GORDON FEIGNER JOHN STURM 610 SW BROADWAY STE 308 PORTLAND OR 97205 catriona@oregoncub.org gordon@oregoncub.org bob@oregoncub.org john@oregoncub.org	DANIEL W MEEK 10949 SW 4TH AVE PORTLAND OR 97219 dan@meek.net
DEPARTMENT OF JUSTICE JASON W JONES REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us	KAFOURY & MCDUGAL LINDA K WILLIAMS 10266 SW LANCASTER RD PORTLAND OR 97219-6305 linda@lindawilliams.net
MCDOWELL RACKNER & GIBSON PC KATHERINE A MCDOWELL 419 SW 11TH AVE STE 400 PORTLAND OR 97205 katherine@mcd-law.com	PACIFICORP dba PACIFIC POWER (W) OREGON DOCKETS 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 oregondockets@pacificcorp.com
OREGON PUBLIC UTILITY COMMISSION (W) CARLA BIRD PO BOX 2148 SALEM OR 97308-2148 carla.bird@state.or.us	PACIFIC POWER & LIGHT (W) JOELLE STEWARD 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 joelle.steward@pacificcorp.com

**PUBLIC UTILITY COMMISSION OF
OREGON (W)**
DEBORAH GARCIA
PO BOX 2148
SALEM OR 97308-2148
deborah.garcia@state.or.us

MCDOWELL RACKNER & GIBSON PC
PORTLAND SAFE ROOM
419 SW 11TH AVE STE 400
PORTLAND OR 97205

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 177(4)

In the Matter of)	
)	REQUEST FOR FINAL PAYMENT OF
OREGON PUBLIC UTILITY)	ISSUE FUND GRANT OF THE
COMMISSION STAFF directing:)	INDUSTRIAL CUSTOMERS OF
)	NORTHWEST UTILITIES
PACIFIC POWER & LIGHT dba)	
PACIFICORP,)	
)	
to File Tariffs Establishing Automatic)	
Adjustment Clauses Under the Terms of)	
<u>SB 408.</u>)	

Pursuant to Section 7.3 of the First Amended and Restated Intervenor Funding Agreement (“IFA”) approved by the Oregon Public Utility Commission (“Commission”) by Order No. 07-564 (December 19, 2007), the Industrial Customers of Northwest Utilities (“ICNU”) hereby requests final payment of ICNU’s Issue Fund Grant in Docket No. UE 177(4) in the amount of \$33,960.

On November 16, 2010, ICNU filed a Notice of Intent to Request an Issue Fund Grant in Docket No. UE 177(4). On November 30, 2010, ICNU filed a proposed budget in the amount of \$33,960 in Docket No. UE 177(4). On January 5, 2011, the Commission denied ICNU’s request for an Issue Fund Grant, but allowed ICNU to file revised budgets, which it did on January 10, 2011. Re PacifiCorp, OPUC Docket No. UE 177, Order No. 11-002 (Jan. 5, 2011). The Commission approved ICNU’s revised budget and granted ICNU an Issue Fund Grant in the amount of \$33,960 on January 19, 2011. Re PacifiCorp, OPUC Docket No. UE 177, Order No. 11-023 (Jan. 19, 2011). ICNU’s total expenditure on this case greatly exceeded the twenty percent required for an Issue Fund Grant. The Issue Fund Grant amount requested in

this case will essentially cover the cost of discovery and ICNU's participation in settlement discussions.

ICNU hereby requests that the Commission authorize final payment of the Issue Fund Grant in the amount of \$33,960. ICNU's expenses are shown in Confidential Attachment A.

This Request for Final Payment satisfies the requirements of the IFA as follows:

Section 7.3(a) – The itemized expenses, payees, and hourly rates are attached as Confidential Exhibit A.

Section 7.3(b) – ICNU has been a full and active participant in this Docket. ICNU conducted discovery, participated in settlement discussions, filed testimony, and participated in the hearing in this matter. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU's participation in Docket No. UE 177(4).

Section 7.3(c) – The Commission approved ICNU's proposed budget on January 19, 2011. In addition, ICNU used its own funds to pay for at least 20% of the Eligible Expenses as required by Section 6.5 of the IFA.

Section 7.4 – All of the expenses included in Exhibit A are Eligible Expenses as defined in Section 7.4 of the IFA because they relate to services provided or expenses incurred by ICNU's outside legal counsel and expert witnesses. Documents substantiating the Eligible Expenses in Confidential Exhibit A are available for Commission audit, if requested, pursuant to Section 7.10 of the IFA.

The IFA provides that the granting of "an Issue Fund Grant shall constitute a binding obligation on the Commission to order reimbursement of Eligible Expenses." IFA § 6.5. Likewise, the intervenor funding rules adopted by the Commission provide that "the terms of an [intervenor funding] agreement are binding on all organizations seeking a grant under that agreement and will be followed by the Commission in administering the agreement."

OAR § 860-001-0120(2). ICNU has satisfied the terms of the IFA and respectfully requests that the Commission approve final payment of ICNU's Issue Fund Grant in the amount of \$33,960

within 30 days of receiving this Request for Final Payment, as provided in Section 7.6 of the IFA. This Request for Payment constitutes a Final Request for Payment in this docket.

Payment should be sent to:

Michael Early
Industrial Customers of Northwest Utilities
1300 SW Fifth Ave., Suite 1750
Portland, Oregon 97201

Dated this 19th day of April, 2011.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ S. Bradley Van Cleve
S. Bradley Van Cleve
333 S.W. Taylor, Suite 400
Portland, Oregon 97204
(503) 241-7242 telephone
(503) 241-8160 facsimile
bvc@dvclaw.com
Of Attorneys for Industrial Customers
of Northwest Utilities