



# Oregon

Theodore R. Kulongoski, Governor

## Public Utility Commission

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February 12, 2008

OREGON PUBLIC UTILITY COMMISSION  
ATTENTION: FILING CENTER  
PO BOX 2148  
SALEM OR 97308-2148

RE: **Docket No. UE 177** - In the Matter of PacifiCorp's SB 408 2006 Tax Report.

Enclosed for electronic filing in the above-captioned docket is the Public Utility Commission Staff's Motion for Leave to Submit Rebuttal Testimony and Staff Rebuttal Testimony.

*/s/ Lois Meerdink*

Lois Meerdink

Regulatory Operations Division

Filing on Behalf of Public Utility Commission Staff

(503) 378-8959

Email: Lois.Meerdink@state.or.us

cc: UE 177 Service List - parties

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 177

In the Matter of the	)	
	)	STAFF’S MOTION FOR LEAVE
PACIFICORP, dba PACIFIC POWER,	)	TO SUBMIT REBUTTAL
(UE 177)	)	TESTIMONY
	)	
Filing its tariffs establishing automatic	)	
adjustment clauses under the terms of SB 408.	)	

Staff respectfully moves for leave to submit the attached rebuttal testimony.

**INTRODUCTION**

Consistent with the schedule in this proceeding, Public Utility Commission of Oregon Staff (“Staff”) filed direct testimony on January 22, 2008. On that same date, the Industrial Customers of Norwest Utilities (ICNU) filed direct testimony. The current schedule, which was adopted by Chief Administrative Law Judge, Michael Grant, on November 7, 2007, provides for “Utility Rebuttal Testimony” on February 12, 2008.

Because Staff was unaware of ICNU’s specific issues before the simultaneous filing of its direct testimony, Staff has not been permitted the opportunity to comment on the issues raised in ICNU’s testimony. To the extent that the February 12, 2008, filing date may be interpreted as a utility only filing date, Staff respectfully seeks leave to submit the attached Staff rebuttal testimony.

**DISCUSSION**

Pursuant to OAR 860-013-0031, Staff respectfully requests the admission of the attached Staff rebuttal testimony. As good cause for the filing of Staff’s Motion For Leave To Submit Rebuttal Testimony (“Motion”), Staff states as follows:

- Staff preserved its ability to review and address issues brought forward by parties of which Staff was unaware at the time of the filing of its direct testimony. *See* Staff/100, Owings-Ball/7, lines 13-16. Staff’s preservation of these rights demonstrates that Staff was unaware of what issues the other parties would raise, if any. Because Staff was unaware of the specific issues raised by ICNU in its direct testimony, it should be given the opportunity to testify regarding these issues.
- Unless Staff’s Motion is granted, Staff will have been provided no opportunity to respond to issues raised by ICNU in its simultaneous direct testimony. On October 15, 2007, PacifiCorp filed its 2006 tax report. On December 19, 2007, Staff filed its Initial Findings, which detailed the findings of Staff’s review of PacifiCorp’s filed 2006 tax report. As a result of this procedural schedule, Staff was unaware and unable to respond to ICNU’s specific issues until it filed its direct testimony on January 22, 2008 – the same day that Staff filed its direct testimony. The current schedule does not provide Staff (or any other non-utility party<sup>1</sup>) an opportunity to respond to the issues raised in ICNU’s direct testimony.
- Staff’s rebuttal testimony will create a more complete record for the Commission to consider in reaching a decision in this proceeding. As stated above, Staff did not have the opportunity to rebut issues raised in ICNU’s testimony because it was filed simultaneous with its own direct testimony. Unless Staff’s Motion is granted, the Commission will not have the most complete record on which to base its decision.

In addition to its Motion, Staff also submits the attached Staff rebuttal testimony so that the parties will not have to review this request in a hypothetical vacuum of what the testimony might include. Specifically, Staff includes the attached rebuttal testimony for two reasons. First, the testimony is included to allow the parties an opportunity to review Staff’s testimony in order to decide whether it opposes Staff’s Motion. Second, the inclusion of the testimony allows the parties to consider the basis for objections to Staff’s submission, if any.

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<sup>1</sup> On January 22, 2008, the Citizens’ Utility Board (“CUB”) filed a letter stating that it was not filing direct testimony, but was waiting to see what issues ICNU raised in its testimony. This filing could be interpreted to suggest that CUB also believed that it would have the opportunity to respond to issues raised by ICNU’s testimony. However, it is not clear whether CUB believed it may have this opportunity through rebuttal testimony or briefing. CUB’s filing also supports Staff’s position that the parties were unaware of the issues that ICNU would raise in its direct testimony.

**CONCLUSION**

For the foregoing reasons, Staff respectfully requests that it be granted leave to file the attached Staff rebuttal testimony.

DATED this 12<sup>th</sup> day of February 2008.

Respectfully submitted,

HARDY MYERS  
Attorney General

Jason W. Jones \_\_\_\_\_  
Jason W. Jones, #00059  
Assistant Attorney General  
Of Attorneys for Staff of the Public Utility  
Commission of Oregon

**CERTIFICATE OF SERVICE**

**UE 177**

I certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy in person or by mailing a copy properly addressed with first class postage prepaid, or by electronic mail pursuant to OAR 860-13-0070, to the following parties or attorneys of parties.

Dated at Salem, Oregon, this 12th day of February, 2008.



Lois Meerdink  
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Regulatory Operations  
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Telephone: (503) 378-8959

**UE 177  
Service List (Parties)**

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