

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

August 9, 2010

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(3)

Dear Filing Center:

Enclosed please find the Request for Final Payment of Issue Fund Grant on behalf of the Industrial Customers of Northwest Utilities (“ICNU”).

Thank you for your assistance.

Sincerely yours,

/s/ Martin H. Patail
Martin H. Patail

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 9th day of August, 2010.

/s/ Martin H. Patail
Martin H. Patail

CITIZENS' UTILITY BOARD OF OREGON (W) ROBERT JENKS G. CATRIONA MCCRACKEN GORDON FEIGNER OPUC DOCKETS 610 SW BROADWAY STE 308 PORTLAND OR 97205 catriona@oregoncub.org gordon@oregoncub.org bob@oregoncub.org dockets@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 & MCDOUGAL LINDA K WILLIAMS 10266 SW LANCASTER RD PORTLAND OR 97219-6305 linda@lindawilliams.net
MCDOWELL & ASSOCIATES PC (W) AMIE JAMIESON KATHERINE A MCDOWELL 520 SW SIXTH AVE STE 830 PORTLAND OR 97204 amie@mcd-law.com katherine@mcd-law.com	PACIFICORP OREGON DOCKETS (W) OREGON DOCKETS 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 oregondockets@pacificorp.com

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 177(3)

In the Matter of OREGON PUBLIC UTILITY))
COMMISSION STAFF directing:)
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 in the amount of \$16,996.86.

On November 16, 2009, ICNU filed a Notice of Intent to Request an Issue Fund Grant in Docket No. UE 177(3). On December 12, 2009, ICNU filed a proposed budget in the amount of \$36,000 in Docket No. UE 177(3). The Commission approved an Issue Fund Grant for ICNU in the amount of \$36,000 on December 15, 2009. Re PacifiCorp, OPUC Docket No. UE 177, Order No. 09-496 (December 15, 2009).

ICNU hereby requests that the Commission authorize final payment of the Issue Fund Grant in the amount of \$16,996.86. 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 and filed testimony. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU’s participation in Docket No. UE 177(3).

Section 7.3(c) – The Commission approved ICNU’s proposed budget on December 15, 2009. 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 will be binding on all organizations seeking a grant under that agreement and will be followed by the Commission in administering the agreement.” OAR § 860-012-0100(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 \$16,996.86 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. The remaining amount of the Issue Fund Grant of \$19,003.14 should be released for return to the PacifiCorp Issue Fund.

Payment should be sent to:

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

Dated this 9th day of August, 2010.

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

mjd@dvclaw.com

Of Attorneys for Industrial Customers
of Northwest Utilities