

# Davison Van Cleve PC

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March 25, 2009

*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 PACIFICORP 2009 Renewable Energy Adjustment  
Clause  
**Docket No. UE 200**

Dear Filing Center:

Enclosed please find the original Request for Final Payment of Issue Fund Grant on behalf of the Industrial Customers of Northwest Utilities in the above-referenced docket. Thank you for your attention to this matter.

Thank you for your assistance.

Sincerely yours,

/s/ Brendan E. Levenick  
Brendan E. Levenick

Enclosures

cc: Service List

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing Request for Final Payment of Issue Fund Grant 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, where paper service has not been waived.

Dated at Portland, Oregon, this 25th day of March, 2009.

/s/ Brendan E. Levenick  
Brendan E. Levenick

<b>CITIZENS' UTILITY BOARD OF OREGON (W)</b> ROBERT JENKS OPUC DOCKETS 610 SW BROADWAY STE 308 PORTLAND OR 97205 dockets@oregoncub.com bob@oregoncub.org	<b>DEPARTMENT OF JUSTICE (W)</b> MICHAEL T WEIRICH 1162 COURT ST NE SALEM OR 97301-4096 michael.weirich@doj.state.or.us
<b>ESLER STEPHENS &amp; BUCKLEY (W)</b> JOHN W STEPHENS 888 SW FIFTH AVE STE 700 PORTLAND OR 97204-2021 stephens@eslerstephens.com	<b>MCDOWELL &amp; RACKNER PC (W)</b> KATHERINE A MCDOWELL 520 SW SIXTH AVE SUITE 830 PORTLAND OR 97204 katherine@mcd-law.com
<b>PACIFICORP (W)</b> RYAN FLYNN 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 ryan.flynn@pacificorp.com	<b>PACIFICORP (W)</b> OREGON DOCKETS 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 oregondockets@pacificorp.com
<b>PORTLAND GENERAL ELECTRIC (W)</b> RANDALL DAHLGREN 121 SW SALMON 1WTC 0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com	<b>PORTLAND GENERAL ELECTRIC (W)</b> DOUGLAS C TINGEY 121 SW SALMON 1WTC13 PORTLAND OR 97204 doug.tingey@pgn.com
<b>PUBLIC UTILITY COMMISSION</b> JUDY JOHNSON DEBORAH GARCIA (W) LISA C SCHWARTZ (W) PO BOX 2148 SALEM OR 97308-2148 judy.johnson@state.or.us deborah.garcia@state.or.us lisa.c.schwartz@state.or.us	<b>RENEWABLE NORTHWEST PROJECT (W)</b> KEN DRAGOON ANN ENGLISH GRAVATT 917 SW OAK STE 303 PORTLAND OR 97205 ken@rnp.org ann@rnp.org

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 200**

In the Matter of	)	
	)	REQUEST FOR FINAL PAYMENT OF
PACIFICORP	)	ISSUE FUND GRANT OF THE
	)	INDUSTRIAL CUSTOMERS OF
2009 Renewable Energy Adjustment Clause	)	NORTHWEST UTILITIES
_____	)	
	)	

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 200 in the amount of \$28,151.23.

On April 2, 2008, ICNU filed a Notice of Intent to Request an Issue Fund Grant in Docket No. UE 200. On May 13, 2008, ICNU filed a proposed budget in the amount of \$70,020 in Docket No. UE 200. Per the Commission’s request, ICNU filed a letter clarifying that it intends to use in-house resources to pay for 20% of the total amount expended in this docket. The Commission approved an Issue Fund Grant for ICNU in the amount of \$70,020 on May 19, 2008. Re PacifiCorp, OPUC Docket No. UE 200, Order No. 08-259 (May 19, 2008). ICNU filed a Request for Partial Payment on August 27, 2008 in the amount of \$24,804.17. ICNU’s request was granted on September 4, 2008. Re PacifiCorp, OPUC Docket No. UE 200, Order No. 08-448 (September 4, 2008). As a result, ICNU has a remaining Issue Fund balance of \$45,215.83 in this proceeding.

ICNU hereby requests that the Commission authorize final payment of the Issue Fund Grant in the amount of \$28,151.23. ICNU releases \$17,064.60 back to the PacifiCorp Issue Fund Account, which is the difference between the remainder of the Grant approved in this Docket and ICNU's Request for Final Payment. ICNU's expenses are shown in Confidential Attachment A.

This Request for 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, filed direct and surrebuttal testimony, participated in workshops and settlement discussions, submitted exhibits at the hearing, joined the partial stipulation, and filed legal briefs. The expenses included in Confidential Exhibit A are reasonable and directly attributable to ICNU's participation in Docket No. UE 200.

**Section 7.3(c)** – The Commission approved the proposed budget on May 19, 2008. 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. Relevant non-privileged 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 \$28,151.23

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  
333 S.W. Taylor, Suite 400  
Portland, Oregon 97204

Dated this 25th day of March, 2009.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Jesse E. Cowell

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Of Attorneys for Industrial Customers  
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