

1 Data Request. Richard Williams of Lane Powell on August 17, 2007 advised Mr. James
2 Van Nostrand that the data provided on June 22, 2007 appeared to be incomplete for
3 certain months, and PacifiCorp began to provide replacement data for the those months.
4 (All of the correspondence discussed herein is attached to Mr. Williams's Affidavit in
5 support of Wah Chang's renewed motion.)

6 4. On September 7, 2007, PacifiCorp in further response to Data Request
7 Number 203, supplied Wah Chang with a CD that contained PacifiCorp's transactional
8 data information for the period April 2000 through June 2001. On September 13, 2007,
9 Wah Chang advised PacifiCorp that the "data set on the disk appears not to be complete."

10 5. In that September 13, 2007 letter from Richard Williams of Lane Powell
11 to Christopher Garrett of Perkins Coie, Wah Chang identified five specific "problems"
12 with the transactions CD. These were as follows:

13 (a) Transactions for the period May 11 to May 20 were missing and
14 transactions for May 1 to May 10 appeared twice.
15

16 (b) Less than 10 transactions were missing each month other than May
17 2000 and June 2001. The two highest months in terms of missing transactions
18 were May 2000, which was missing 541 transactions, and June 2001, which was
19 missing 12 transactions.
20

21 (c) The "deal done date" field was missing and clarification was requested
22 as to its definition.
23

24 (d) There was no data entered in the comments field for "an exceedingly
25 high percentage of trades," which Wah Chang opined "might suggest that not all
26 comments were provided."
27

28 (e) Mr. McCullough also suggested that "hand-copying the RM&T data
29 from its CSV (comma delineated format) to the format in which the data is
30 provided to us" was laborious, unnecessary and may have caused data gaps.
31

32 6. PacifiCorp responded to Mr. Williams's September 13, 2007 letter on
33 September 18, 2007 by providing Wah Chang with a replacement data file in CSV
34 format. On October 9, 2007, in response to Mr. Williams's letter of September 27, 2007
35 reporting Mr. McCullough's troubles in properly loading the data from the September 18,
36 2007 DVD, PacifiCorp provided Wah Chang with a DVD containing a copy of the data

1 requested in Data Request 203. In our Affidavit, we refer to the October 9, 2007 data file
2 as the "New Data." This data file resolved four of the Wah Chang concerns directly.
3 First, the new DVD added the missing May 11-20, 2000 transactions identified in 5(a)
4 above. Second, the new DVD contained the "deal done date" missing field identified in
5 5(c) above. Third, PacifiCorp also answered the definitional question, explaining this
6 "deal done date" was the day the transaction was consummated, including real-time
7 transactions, which are changed to reflect the same definition as all other transactions.
8 Further, PacifiCorp answered the "no comments" question identified in 5(d) above,
9 explaining this data column was complete and accurate.

10 7. Through Mr. Williams, Wah Chang responded on September 27, 2007
11 with a letter to Christopher Garrett of Perkins Coie, setting forth Mr. McCullough's
12 review of the September 18, 2007 data. He had three remaining or new comments:

13 (a) Columns were misaligned;

14 (b) There was a lack of clarity concerning the variable intended in some
15 columns; and
16

17 (c) Some transactions that were earlier reported in other data sets are now
18 missing from the new transactions data.
19
20

21 8. We have reviewed these three remaining matters identified by
22 Mr. McCullough and we find that they are easily resolved. The first two matters (see 7(a)
23 and 7(b) above) are due to the comma-separated values (CSV) format in which
24 PacifiCorp provided the data file to Wah Chang. CSV treats commas as delimiters
25 separating unique fields in the tabular data. PacifiCorp's transaction data contained
26 commas that appear within many entries that were supposed to constitute a single field.
27 This caused certain records in the data to misalign. Based on his Affidavit,
28 Mr. McCullough appears to know how to identify and fix these misaligned records.
29 Regardless, it is a relatively easy fix. For example, Mr. McCullough could have used a
30 database program such as Microsoft Access, which can import the large CSV file and

1 identify and realign the misaligned records with far less effort than Mr. McCullough
2 described in his Affidavit.

3 9. In Paragraph 20 of his Affidavit, Mr. McCullough claims that there are 20
4 missing transactions in the data (see 7(c) above) PacifiCorp provided to Wah Chang on a
5 DVD on October 9, 2007. These missing transactions correspond to the "missing"
6 transactions Mr. Williams identified on page 3 of his September 27, 2007 letter.
7 Mr. McCullough is mistaken. The New Data includes 19 of these transactions Mr.
8 McCullough identified as "missing." We created the Table below using the New Data
9 and it shows that 19 of the 20 transactions Mr. McCullough claims are "missing" are
10 indeed included in the New Data.

TRANSACTIONS MISTAKENLY IDENTIFIED BY MR. McCULLOUGH AS "MISSING"																
FRMT#	Leg	Delivery Date	Hour End	Buy/Sell	POD	DealDone Date	TransTime	DelvryStart Date	DelvryEnd Date	MW	Price	Revenue	Trading Group	Market	Conrtparty	Product ID
65974	1	31-Mar-00	24	Buy	BPAMulti	01-Apr-00	8:33:00 AM	01-Apr-00	01-Apr-00	65	-20	-1300	Real Time	Forward	Tri-State Generation & Transmission Assoc.	SPOT
65987	1	31-Mar-00	24	Buy	4C	01-Apr-00	8:43:00 AM	01-Apr-00	01-Apr-00	100	-23	-2300	Real Time	Forward	Public Service Company of New Mexico	SPOT
67819	1	30-Apr-00	24	Sell	NUB	01-May-00	7:42:00 AM	01-May-00	01-May-00	-25	34	-850	Real Time	Forward	Nevada Power Company	SPOT
67835	1	30-Apr-00	24	Sell	4C	01-May-00	7:52:00 AM	01-May-00	01-May-00	-139	18.51	-2572.9	Real Time	Forward	Cal PX	Custom
69566	1	31-May-00	24	Sell	COB	28-May-00	8:42:00 AM	28-May-00	28-May-00	0	0	0	Real Time	Forward	Enron Power Marketing	SPOT
74122	1	31-Jul-00	24	Sell	NUB	01-Jun-00	6:18:00 AM	01-Jun-00	01-Jun-00	-100	54	-5400	Real Time	Forward	Nevada Power Company	SPOT
76607	1	31-Jul-00	24	Buy	Amps	01-Aug-00	8:04:00 AM	01-Aug-00	01-Aug-00	42	-125	-5250	Real Time	Forward	PPL Montana	SPOT
78243	1	30-Sep-00	24	Sell	GON	08-Sep-00	8:39:00 AM	10-Sep-00	11-Sep-00	0	0	0	Market Tra	Forward	Sierra Pacific Power Company	Gonder-7X8 (23-6)-PPT
78250	1	30-Sep-00	24	Sell	Amps	01-Oct-00	8:39:00 AM	01-Oct-00	01-Oct-00	-45	70	-3150	Real Time	Forward	PPL Montana	SPOT
78270	1	30-Sep-00	24	Sell	MONA(LW)	01-Oct-00	8:41:00 AM	01-Oct-00	01-Oct-00	-38	60	-2280	Real Time	Forward	LADWP	SPOT
82518	1	30-Nov-00	24	Buy	4C	01-Oct-00	8:55:00 AM	01-Oct-00	01-Oct-00	48	-25	-1200	Real Time	Forward	Salt River Project	SPOT
82519	1	30-Nov-00	24	Buy	4C	01-Dec-00	11:25:00 AM	01-Dec-00	01-Dec-00	125	-5	-625	Real Time	Forward	Powerex Corp.	Custom
86158	1			Buy	PACEU	11-Dec-00	7:28:00 AM	13-Dec-00	28-Feb-01	0	0	0	Wholesale	Forward	Enron Power Marketing	Custom
86158	5			Buy	PACEU	11-Dec-00	7:28:00 AM	13-Dec-00	28-Feb-01	0	0	0	Wholesale	Forward	Monsanto Company	None-7X24-PPT
86672	1	31-Jan-01	24	Buy	PACEW	01-Feb-01	2:03:00 PM	01-Feb-01	01-Feb-01	40	-100	-4000	Real Time	Forward	Monsanto Company	None-7X24-PPT
90750	1	30-Apr-01	24	Sell	4C	01-May-01	7:29:00 AM	01-May-01	01-May-01	95	125	-11875	Real Time	Forward	Black Hills Power	Custom
92848	1	31-May-01	24	Sell	Amps	01-Jun-01	8:23:00 AM	01-Jun-01	01-Jun-01	-25	190	-4750	Real Time	Forward	Salt River Project	SPOT
92877	1	31-May-01	24	Sell	NUB	01-Jun-01	8:45:00 AM	01-Jun-01	01-Jun-01	-100	190	-19000	Real Time	Forward	PPL Montana	SPOT
98882	1			Sell	FTCRK	30-Aug-01	12:05:00 PM	01-Jan-01	01-Jan-01	0	0	0	Wholesale	Forward	Nevada Power Company	SPOT
															Tri-State Generation & Transmission Assoc. II	Custom

1 10. There is one transaction that is identified in Mr. McCullough's Affidavit
2 and in Mr. Williams's Exhibit D, RMT Number 83975, that is not found in PacifiCorp's
3 New Data. This contract was contained in PacifiCorp's initial June 22, 2007 response to
4 Wah Chang's Data Request Number 203 and is identified as a "Complex Forward Trade"
5 with the City of Idaho Falls. PacifiCorp's Data Response on June 22, 2007 shows that
6 there are no MWs and a zero price associated with this contract. We understand that this
7 RMT entry was initially created to capture a portion of a long-term contract with the City
8 of Idaho Falls associated with Gem State Generation. The entire Gem State Generation
9 contract was entered in the data as RMT Number 99489 on September 10, 2001. RMT
10 Number 99489 captures the entire contract, including the City of Idaho Fall portion
11 represented by RMT Number 83975, which is why there are no MWs or dollars
12 associated with RMT 83975. RMT Number 83975 should not have been included in the
13 June 22, 2007 response to Wah Chang's data request and was correctly not included in
14 PacifiCorp's October 9, 2007 data request response.

15 11. Regardless, there would be no significant effect even if Mr. McCullough
16 had been correct in his assertion that RMT Number 83975 should have been included in
17 the DVD PacifiCorp provided to Wah Chang on October 9, 2007. The New Data set that
18 PacifiCorp provided to Wah Chang on October 9, 2007 contained 27,445 RMT Numbers.
19 Mr. McCullough identified only one RMT Number that he says PacifiCorp previously
20 provided to Wah Chang but was not present in the New Data. To put this in perspective,
21 the New Data PacifiCorp provided on October 9, 2007 contained 27,445 RMT
22 Transaction Numbers. Incorrectly omitting just the one RMT Number would mean that
23 there was a .0000364 chance of an error in this data ranging from April 2000 through
24 June 2001. Again, the RMT 83975 should not have been reported to Dow Jones because
25 it would not qualify as a "day-ahead" transaction because this transaction was part of a

1 broader long-term sales agreement. Accordingly, no portion of this long-term contract is
2 relevant in this proceeding.

3 12. In Paragraph 21 of his Affidavit, Mr. McCullough claims that one
4 transaction PacifiCorp reported to Dow Jones is not in the New Data and that "there are
5 many cases in which the data provided to Dow Jones differs from that provided to Wah
6 Chang, even when the RMT numbers for the transactions match." However,
7 Mr. McCullough does not provide any specific examples of these mismatches nor does he
8 specifically identify the transaction that he thinks PacifiCorp reported to Dow Jones but
9 was not included in the New Data. With respect to the transactions reported by
10 PacifiCorp to Dow Jones for the California-Oregon Border (COB), which was the hub
11 used to establish the Wah Chang contract price and that has been intensely analyzed in
12 this proceeding, Mr. McCullough's assertions are incorrect. At COB, there was a perfect
13 match between the transactions PacifiCorp reported to Dow Jones and the transactions
14 contained in the New Data. In other words, every transaction that PacifiCorp reported to
15 Dow Jones is present in the New Data set. There are, however, three (3) COB
16 transactions with minor discrepancies between the New Data and the Dow Jones data.
17 These are essentially trivial. We show the discrepancies in the table below and conclude
18 the New Data is more reliable.

19

RMT #	Discrepancy
73842	Reported as a 24-hour Sunday contract in Dow Jones but listed as a 16 hour peak contract in PacifiCorp data
78125	Reported as a 2-day contract to Dow Jones for delivery starting 10/1/00 but is a 1-day contract in PacifiCorp data for delivery starting 10/2/00
79755	Reported as a 2-day contract to Dow Jones for delivery starting 10/22/00 but is a 1-day contract in PacifiCorp data for delivery starting 10/23/00

20

21 Mr. McCullough's assertion with respect to the one "missing" Dow Jones reported
22 transaction is also not true with respect to Palo Verde and Mid-C, where we also found

1 that all transactions that PacifiCorp reported to Dow Jones are present in the New Data
2 set.

3 13. We verified that all of the transactions PacifiCorp reported to Dow Jones
4 at COB, Palo Verde, and Mid-C are contained in the New Data. We suspect that
5 Mr. McCullough's assertion with respect to the one "missing" transaction resulted from a
6 scanning error made by Wah Chang's experts when they scanned the hard copies of the
7 reports that PacifiCorp provided to Dow Jones. We found several other instances where
8 Wah Chang's experts failed to correctly scan the data from PacifiCorp's reports to Dow
9 Jones into their database. We show these in the Table below along with the correct
10 information taken directly from the reports PacifiCorp provided to Dow Jones. The items
11 that are bolded are the incorrect entries in Mr. Howard's database. In one instance, Wah
12 Chang's experts' scanning error mislabeled the transaction ID number. They incorrectly
13 scanned Deal ID Number 66791 as Deal ID Number 68791. The correct Deal ID
14 Number (66791) appears in the hard copy of PacifiCorp's reported transactions to Dow
15 Jones for delivery on April 18, 2000. Deal Number 66791 in the Dow Jones report from
16 PacifiCorp contains contract terms that are identical to the transaction identified as Deal
17 ID Number 68791 in Mr. Howard's database. Further, RMT Number 66791 in
18 PacifiCorp's New Data also has contract terms that are identical to the contract terms of
19 Deal ID Number 68791 in Mr. Howard's database. Mr. McCullough's erroneous
20 contention with respect to the one reported Dow Jones transaction that is "missing" from
21 the New Data may result from Mr. Howard incorrectly scanning the Deal ID number for
22 this one particular transaction. It is likely that Deal ID Number 66791 is Mr.
23 McCullough's "missing" transaction, a transaction that is not missing from the New Data
24 at all.

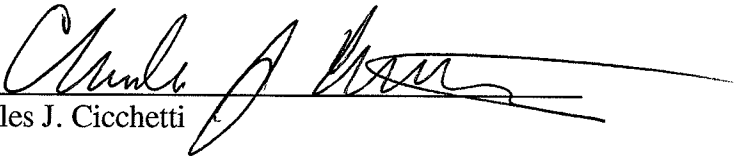
SCANNING ERRORS IN MR. HOWARD'S DATA BASE										
DoneDate	DealID	Shape	Price	MW	MWh	Revenue	Location	Error		
6-Jan-00	60369	6X8+24	25.5	-50	-800	-10200	COB-N-S	800 MWHs should be 400 MWHs		
7-Jan-00	60437	6X8+24	28	-50	-1600	-11200	COB-N-S	\$11,200 revenue should be \$44,800		
17-Apr-00	68791	6X16	26	25	400	10400	Mid-C	RMT# 68791 should be 66791		
13-Sep-00	76911	6X8+24	80	60	400	32000	PV	60 MWHs should be 50 MWHs		
4-Oct-00	78440	6X8+24	69	25	2001	13800	PV	2001 MWHs should be 200 MWHs		
11-Dec-00	82896	6X16	800	7	1200	960000	Mid-C	7 MWHs should be 75 MWHs		
3-Apr-01	88923	6X8+24	245	15	200	49000	Mid-C	15 MWHs should be 25 MWHs		
2-May-01	90774	6X8+24	80	75	200	16000	PV	75 MWHs should be 25 MWHs		
5-Jun-01	92959	6X16	60	26	400	24000	Mid-C	26 MWHs should be 25 MWHs		
20-Jun-01	93881	6X16	97	26	400	38800	PV	26 MWHs should be 25 MWHs		
5-Jul-01	94769	6X16	80	2	800	64000	Mid-C	2 MWHs should be 25 MWHs		
30-Jul-01	96346	6X16	53	23	400	21200	PV	23 MWHs should be 25 MWHs		
10-Aug-01	97302	6X16	61	150	400	24400	PV	150 MWHs should be 25 MWHs		
12-Oct-01	101527	6X16	27	26	400	10800	PV	26 MWHs should be 25 MWHs		
4-Dec-01	105219	6X8+24	19.75	26	200	3950	Mid-C	26 MWHs should be 25 MWHs		

1 14. In Paragraph 22 of his Affidavit, Mr. McCullough alleges that certain transactions
2 between PacifiCorp and Enron that appear in Enron's Enpower database are not included in the
3 October 9, 2007 New Data. Mr. McCullough provides one example, identifying transaction
4 69566 as not being included in PacifiCorp's October 9, 2007 response to Data Request Number
5 203. Mr. McCullough is mistaken. Without considering the Enpower database, we found that
6 transaction 69566 was in fact included in the October 9, 2007 New Data. This transaction was
7 also one of the transactions that Mr. McCullough alleged in Paragraph 20 of his Affidavit was
8 "missing" from the October 9, 2007 New Data. As we discussed in Paragraph 9 above, this
9 transaction was included in PacifiCorp's New Data. Mr. McCullough is mistaken.

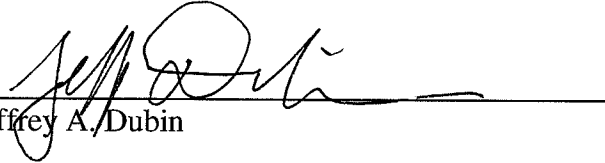
10 15. In 2002, PacifiCorp provided to FERC a short-term data set. On October 9, 2007,
11 PacifiCorp provided to Wah Chang a transaction data set. Mr. McCullough asserts at
12 Paragraph 23 of his Affidavit that the FERC 2002 short-term data set does not match the
13 October 9, 2007 data PacifiCorp provided to Wah Chang. Mr. McCullough provides only one
14 example of this purported mismatch: PacifiCorp's daily sales to Enron at COB on March 17,
15 2001. Mr. McCullough asserts that the FERC 2002 data set has 1,272 MWh in daily sales from
16 PacifiCorp to Enron at COB that day, but that the October 9, 2007 data set shows only 1,036
17 MWh in daily sales from PacifiCorp to Enron at COB on the same day. Mr. McCullough is
18 wrong. We have analyzed the two data sets. Mr. McCullough is correct that the October 9, 2007
19 data set has sales from PacifiCorp to Enron totaling 1,036 MWhs at COB on March 17, 2001.
20 The 2002 FERC short-term transaction data set also has sales totaling 1,036 MWhs between
21 PacifiCorp and Enron at COB on that day. In other words, there is no difference between the
22 2002 FERC short-term transaction data set and the October 9, 2007 data set for sales (MWhs) by
23 PacifiCorp to Enron at COB on March 17, 2001. Mr. McCullough is wrong.

24 *We declare under penalty of perjury under the laws of the United States that the*
25 *foregoing is true and correct.*

EXECUTED on November 19, 2007 at Pasadena, California.



Charles J. Cicchetti



Jeffrey A. Dubin

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1 **CERTIFICATE OF SERVICE**

2 I certify that I have this day served the foregoing document, encaptioned
3 DECLARATION OF CHARLES J. CICCHETTI AND JEFFREY A. DUBIN IN RESPONSE
4 TO WAH CHANG'S RENEWED, SUPPLEMENTAL AND ALTERNATIVE MOTIONS TO
5 COMPEL COMPLIANCE WITH DR 203, by causing a copy to be hand delivered (except as
6 otherwise noted) to:

7 Richard H. Williams
8 Milo Petranovich
9 Lane Powell PC
10 Suite 2100
11 601 SW Second Avenue
12 Portland, OR 97204

Paul Graham (by U.S. Mail)
Assistant Attorney General
Regulated Utility & Business Section
1162 Court Street NE
Salem, OR 97301-4096

11 Natalie L. Hocken
12 Vice President and General Counsel
13 Pacific Power
14 825 NE Multnomah, Suite 2000
15 Portland, OR 97232

15 DATED: November 21, 2007.

16 **PERKINS COIE LLP**

17 By 

18 James M. Van Nostrand, OSB No. 794289
19 Christopher L. Garrett, OSB No. 031000

20 Attorneys for PacifiCorp