

# Davison Van Cleve PC

TEL (503) 241-7242 • FAX (503) 241-8160 • mail@dvclaw.com

Suite 2460  
1000 SW Broadway  
Portland, OR 97205

December 23, 2004

*Via Facsimile, Electronically, and US Mail*

Ms. Annette Taylor  
Oregon Public Utility Commission  
P.O. Box 2148  
Salem OR 97308-2148

Re: In the Matter of PUBLIC UTILITY COMMISSION OF OREGON Staff's  
Request to Open an Investigation Related to the Implementation of  
ORS § 757.612  
**Docket No. UM 1169**

Dear Ms. Taylor:

Enclosed please find an original and six (6) copies of the Issues Lists of the Industrial Customers of the Northwest Utilities in the above-captioned docket.

Please return one file-stamped copy of the document in the self-addressed, stamped envelope provided. Please call me at (503) 241-7242 if you have any questions. Thank you for your assistance.

Sincerely yours,



Ally L. Smith

Enclosures

cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1169**

In the Matter of the	)	
	)	
PUBLIC UTILITY COMMISSION OF	)	ISSUES LIST OF THE INDUSTRIAL
OREGON STAFF's	)	CUSTOMERS OF NORTHWEST
	)	UTILITIES
Request to Open an Investigation Related to	)	
the Implementation of ORS § 757.612.	)	
_____	)	

Pursuant to the Prehearing Conference Memorandum issued on November 3, 2004, the Industrial Customers of Northwest Utilities ("ICNU") submits this Issues List regarding the issues to be addressed in phase one of Public Utility Commission of Oregon ("OPUC" or "Commission") Docket UM 1169. On September 21, 2004, the Commission opened an investigation related to implementation of the provisions of ORS § 757.612 regarding an electric company's ability to include in rates costs associated with new local energy conservation, new market transformation efforts, the above-market costs of new renewable energy resources, and new low-income weatherization. Phase one of this investigation will address the legal requirements of ORS § 757.612, including whether it is permissible to include costs of new local energy conservation, new market transformation efforts, new renewable energy resources, and new low-income weatherization in rates in addition to those already incorporated into the 3% public purpose charge.

The following is ICNU's list of issues to be addressed in phase one of this proceeding:

**Issue #1:** Does ORS § 757.612(3)(g) prohibit electric companies from embedding in rates costs of new cost-effective local energy conservation measures, new market transformation efforts, the above-market costs of new renewable energy resources, and new low-income weatherization that are in addition to the costs for those measures funded by the 3% public purpose charge?

**Issue #2:** Does ORS § 757.612 permit the OPUC to set the public purpose charge at a rate other than 3% for any customer or class of customers?

**Issue #3:** Does ORS § 757.612(3)(f) prohibit the OPUC from establishing a public purpose charge greater than 3% for customers with a load greater than 1 aMW?

**Issue #4:** Does ORS § 757.612(3)(f) prohibit the OPUC from requiring a customer with an average load greater than 1 aMW to pay greater than 3% of the customer's total cost for electricity service to fund new cost-effective local energy conservation, new market transformation efforts, the above-market costs of new renewable energy resources, and new low-income weatherization?

**Issue #5:** Are additional public purpose expenditures permitted under ORS § 757.612(4), which provides that an "electric company that satisfies its obligations under this section shall have no further obligation to invest in conservation, new market transformation, new renewable energy resources or new low-income weatherization or to provide a commercial energy conservation services program and is not subject to ORS 469.631 to 469.645, 469.860 to 469.900 and 758.505 to 758.555"?

These are the issues that ICNU has identified at this time. ICNU reserves the right to raise additional issues as they are presented.

WHEREFORE, ICNU respectfully submits this Issues List for the Commission's consideration.

Dated this 17th day of December, 2004.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.



S. Bradley Van Cleve

Matthew Perkins

Davison Van Cleve, P.C.

1000 SW Broadway, Suite 2460

Portland, Oregon 97205

(503) 241-7242 phone

(503) 241-8160 facsimile

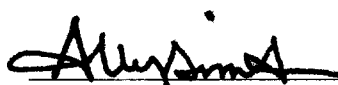
mail@dvclaw.com

Of Attorneys for Industrial Customers of Northwest Utilities

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Issues List of the Industrial Customers of the Northwest Utilities upon the service list, shown below, by causing the same to be electronically served by email all parties on the official service list.

Dated at Portland, Oregon, this 17<sup>th</sup> day of December, 2004.



Ally L. Smith

RATES & REGULATORY AFFAIRS PORTLAND GENERAL ELECTRIC RATES & REGULATORY AFFAIRS 121 SW SALMON STREET, 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com	STEPHANIE S ANDRUS DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 stephanie.andrus@state.or.us
JACK BREEN PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 jack.breen@state.or.us	LOWREY R BROWN CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org
KEN CANON INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES 825 NE MULTNOMAH STE 180 PORTLAND OR 97232-2158 kcanon@icnu.org	JASON EISDORFER CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org
JAMES F FELL STOEL RIVES LLP 900 SW 5TH AVE STE 2600 PORTLAND OR 97204-1268 jffell@stoel.com	TROY GAGLIANO RENEWABLE NORTHWEST PROJECT 917 SW OAK, SUITE 303 PORTLAND OR 97205 troy@rnp.org
CHRISTY OMOHUNDRO PACIFICORP 825 NE MULTNOMAH BLVD STE 800 PORTLAND OR 97232 christy.omohundro@pacificorp.com	DENISE SAUNDERS PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1WTC1300 PORTLAND OR 97204 denise.saunders@pgn.com
JOHN W STEPHENS ESLER STEPHENS & BUCKLEY 888 SW FIFTH AVE STE 700 PORTLAND OR 97204-2021 stephens@eslerstephens.com	S BRADLEY VAN CLEVE DAVISON VAN CLEVE PC 1000 SW BROADWAY STE 2460 PORTLAND OR 97205 mail@dvclaw.com

STEVEN WEISS  
NORTHWEST ENERGY COALITION  
4422 OREGON TRAIL CT NE  
SALEM OR 97305  
[steve@nwenergy.org](mailto:steve@nwenergy.org)