

Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • mail@dvclaw.com
Suite 400
333 S.W. Taylor
Portland, OR 97204

October 20, 2008

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

Dear Filing Center:

Enclosed please find the original and one (1) copy of the Industrial Customers of
Northwest Utilities' Motion for Service of the Complete Record in the above-referenced matter.

Thank you for your assistance, and please do not hesitate to contact the office if
you have any additional questions.

Sincerely yours,

/s/ Allison M. Wils
Allison M. Wils

Enclosures

cc: Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Motion for Service of the Complete Record on behalf of the Industrial Customers of Northwest Utilities upon the parties, shown below, on the official service list by causing the foregoing document to be deposited, postage-prepaid, in the U.S. Mail, or by service via electronic mail to those parties who waived paper service.

Dated at Portland, Oregon, this 20th day of October, 2008.

/s/ Allison M. Wils
Allison M. Wils

CITIZENS' UTILITY BOARD OF OREGON ROBERT JENKS OPUC DOCKETS 610 SW BROADWAY STE 308 PORTLAND OR 97205 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 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 OREGON DOCKETS 825 NE MULTNOMAH ST STE 2000 PORTLAND OR 97232 oregondockets@pacificorp.com

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UE 177

In the Matter of)	
)	
OREGON PUBLIC UTILITY STAFF)	THE INDUSTRIAL CUSTOMERS
)	OF NORTHWEST UTILITIES'
Requesting the Commission Direct)	MOTION FOR SERVICE OF THE
)	COMPLETE RECORD
PACIFICORP, dba PACIFIC POWER)	
& LIGHT COMPANY,)	EXPEDITED CONSIDERATION
)	REQUESTED
to File Tariffs Establishing Automatic)	
Adjustment Clauses Under the Terms of)	
SB 408.)	
_____)	

I. INTRODUCTION

The Industrial Customers of Northwest Utilities ("ICNU") files this motion requesting the Oregon Public Utility Commission ("OPUC" or the "Commission") provide ICNU with a full and complete copy of the record in CA A138879 ("Record"). ICNU was previously served an incomplete copy of the record in CA A138879, which did not include the "Highly Confidential" tax report, workpapers and testimony. The Commission must provide ICNU with a complete copy of the record, so that ICNU can make, and the appellate court can review, the assignments of error.

ICNU requests expedited consideration of this Motion. ICNU's Opening Brief in CA A138879 is currently due on November 5, 2008. The Commission should

immediately provide ICNU with a complete copy of the record so that ICNU will have sufficient time to draft its Opening Brief.

II. BACKGROUND

On October 15, 2007, PacifiCorp filed its tax report for the 2006 tax year with the Commission. Administrative Law Judge Grant granted ICNU's petition to intervene on December 9, 2005.

On April 11, 2008, the Commission issued Order No. 08-201 regarding PacifiCorp's tax reports for the 2006 tax year pursuant to Senate Bill ("SB") 408. With certain modifications, the Commission approved PacifiCorp's 2006 tax report. On July 30, 2008, ICNU appealed Commission Order No. 08-201 to the Oregon Court of Appeals.

The OPUC only provided ICNU with a partial copy of the record, which excluded the highly confidential material. ICNU was not provided PacifiCorp's highly confidential tax report and workpapers, or the highly confidential rebuttal testimony exhibits of PacifiCorp witness Ryan Fuller. According to the index of the record, however, these Highly Confidential materials were provided to the Court of Appeals.

III. ARGUMENT

The Commission should provide ICNU with a complete copy of the record in this proceeding so that ICNU can make its assignment of error before the Oregon Court of Appeals. Without a complete and sufficient copy of the record, ICNU may be

precluded from adequately raising its assignments of error, and the Court of Appeals may be unable to review ICNU's assignments of error.

The Commission is required to provide the appellate parties of record a complete copy of the record below. Oregon Rules of Appellate Procedure 4.20. The rule does not include an exemption for highly confidential materials.

It is a basic principle of law that the appellate court needs a complete copy of the record to review an appellant's arguments. See, e.g. Vance v. Teplick, 217 Or. App. 571, 574-75 (2008). It follows that the appellant should receive a copy of the same record provided to the court. A party may be unable to support its case if information is not included in the record, or if the party is prevented from accessing evidence that supports its position.

Without access to the complete evidentiary record, ICNU may be precluded from raising all the assignments of error, or from effectively supporting its arguments. ICNU is severely prejudiced by the OPUC's failure to provide it with a complete record. Ironically, all parties except the appellant will have access to a complete record of the appeal. Specifically, ICNU will be unable to identify which particular portions of the tax report are inconsistent with the law if ICNU does not have a copy of the tax report. In addition, the Commission specifically concluded that PacifiCorp's tax report complies with OAR § 860-22-0041. It will be difficult if not impossible for ICNU to raise or fully support any arguments regarding whether the tax report complies with the Commission's rules without the tax report.

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IV. CONCLUSION

According to Rule 4.20 of the Oregon Rules of Appellate Procedure, the Commission must provide ICNU with a complete copy of the record that was submitted to the Court of Appeals, including all highly confidential material. In addition, ICNU must receive a complete copy of the record in order to raise and support its assignments of error in appeal. ICNU respectfully requests a ruling on this motion within five business days.

Dated this 20th day of October, 2008.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.



Melinda J. Davison

Irion A. Sanger

333 S.W. Taylor, Suite 400

Portland, Oregon 97204

(503) 241-7242 phone

(503) 241-8160 facsimile

mail@dvclaw.com

Of Attorneys for the Industrial Customers
of Northwest Utilities