

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

November 30, 2010

Via Electronic and U.S. Mail

Honorable Sarah Wallace
Administrative Law Judge
Public Utility Commission of Oregon
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 (4)

Dear Judge Wallace:

On November 2, 2010, ICNU filed a Motion to Amend the Protective Order (“Motion”), in the above referenced docket. On November 17, 2010, PacifiCorp filed a Response in Opposition to ICNU’s Motion to Modify the Protective Order (“Response”). On November 29, 2010, PacifiCorp filed a Supplemental Exhibit to its Response. ICNU objects to the Supplemental Exhibit on the grounds that the deadline for filing evidence in opposition to ICNU’s Motion has passed. Responses to ICNU’s Motion were due fifteen days after the date of service, or November 17, 2010. OAR 860-001-0420(4).

As a practical matter, PacifiCorp’s filing constitutes an amendment to its Response. Since the time for submitting responses has passed, PacifiCorp can only amend its Response by filing a Motion seeking leave to amend. A party is entitled to have seven days to file a response to a procedural motion. *Id.* Likewise, a party may file a reply to a response to a substantive motion within seven days. *Id.* You have previously determined that the Motion is a substantive motion. Therefore, ICNU requests that you allow ICNU to file a reply to PacifiCorp’s amended Response within seven days of service, or December 6, 2010.

Sincerely yours,

/s/ S. Bradley Van Cleve
S. Bradley Van Cleve

cc: Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Letter to Judge Wallace 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 30th day of November, 2010.

/s/ Jacqueline E. Smith
Jacqueline E. Smith

PUBLIC UTILITY COMMISSION OF OREGON
DEBORAH GARCIA
PO BOX 2148
SALEM OR 97308-2148

CITIZENS' UTILITY BOARD OF OREGON
GORDON FEIGHNER
ROBERT JENKS
G. CATRIONA MCCRACKEN
RAYMOND MYERS
JOHN STURM
610 SW BROADWAY, STE 400
PORTLAND OR 97205

DANIEL W MEEK ATTORNEY AT LAW
10949 SW 4TH AVE
PORTLAND OR 97219

DEPARTMENT OF JUSTICE
JASON W JONES
BUSINESS ACTIVITIES SECTION
1162 COURT ST NE
SALEM OR 97301-4096

KAFOURY & MCDOUGAL
LINDA K WILLIAMS
10266 SW LANCASTER RD
PORTLAND OR 97219-6305

MCDOWELL RACKNER & GIBSON PC
PORTLAND SAFE ROOM
KATHERINE A MCDOWELL
AMIE JAMIESON
419 SW 11TH AVE STE 400
PORTLAND OR 97205

OREGON PUBLIC UTILITY COMMISSION
CARLA BIRD
PO BOX 2148
SALEM OR 97308-2148

PACIFICORP, DBA PACIFIC POWER
OREGON DOCKETS
825 NE MULTNOMAH ST, STE 2000
PORTLAND OR 97232

PACIFIC POWER & LIGHT
JOELLE STEWARD
825 NE MULTNOMAH STE 2000
PORTLAND OR 97232