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December 24, 2007

## *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 Leave to Reply and Reply to PacifiCorp's Response in Opposition to Industrial Customers of Northwest Utilities' Motion to Modify the Protective Order in the above-referenced matter.

Thank you for your assistance.

Sincerely yours,

/s/ Ruth A. Miller  
Ruth A. Miller

Enclosure

cc: Service List

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing Industrial Customers of Northwest Utilities’ Motion for Leave to Reply and Reply to PacifiCorp’s Response in Opposition to Industrial Customers of Northwest Utilities’ Motion to Modify the Protective Order 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, and service via electronic mail.

Dated at Portland, Oregon, this 24th day of December, 2007.

/s/ Ruth A. Miller  
Ruth A. Miller

<b>CITIZENS' UTILITY BOARD OF OREGON</b> LOWREY R BROWN JASON EISDORFER 610 SW BROADWAY STE 308 PORTLAND OR 97205 lowrey@oregoncub.org jason@oregoncub.org	DANIEL W MEEK 10949 SW 4TH AVE PORTLAND OR 97219 dan@meek.net
<b>DEPARTMENT OF JUSTICE</b> JASON W JONES REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us	<b>KAFOURY &amp; MCDOUGAL</b> LINDA K WILLIAMS 10266 SW LANCASTER RD PORTLAND OR 97219-6305 linda@lindawilliams.net
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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 177**

In the Matter of	)	
	)	
OREGON PUBLIC UTILITY STAFF	)	INDUSTRIAL CUSTOMERS OF
	)	NORTHWEST UTILITIES' MOTION
Requesting the Commission Direct	)	FOR LEAVE TO REPLY AND
	)	REPLY TO PACIFICORP'S
PACIFICORP, dba PACIFIC POWER	)	RESPONSE IN OPPOSITION TO
& LIGHT COMPANY,	)	INDUSTRIAL CUSTOMERS OF
	)	NORTHWEST UTILITIES' MOTION
to File Tariffs Establishing Automatic	)	TO MODIFY THE PROTECTIVE
Adjustment Clauses Under the Terms of	)	ORDER
SB 408.	)	
_____	)	

**INTRODUCTION**

The Industrial Customers of Northwest Utilities (“ICNU”) files this Motion for Leave to Reply and Reply to PacifiCorp’s Response to ICNU’s Motion to Modify the Protective Order with the Public Utility Commission of Oregon (“OPUC” or the “Commission”). ICNU respectfully requests leave to file this Reply, as ICNU’s Reply will better explain ICNU’s position with respect to the issues involved.

**ARGUMENT**

PacifiCorp argues that ICNU has not made a good faith effort to participate in this case, comparing ICNU’s efforts to those of Staff. Specifically, PacifiCorp states that ICNU did not participate in Staff’s workshops or immediately commence review like Staff had done. PacifiCorp Reply at 2, 6. Staff is not bound by

PAGE 1 – ICNU’S REPLY TO PACIFICORP’S RESPONSE IN OPPOSITION TO ICNU’S MOTION TO MODIFY THE PROTECTIVE ORDER

the provisions of the Protective Order. Thus, any comparison between the efforts of ICNU and Staff are misleading and of no value.

First, ICNU had scheduling conflicts with some of Staff's workshops. ICNU contacted Staff in an attempt to reschedule these workshops. Staff indicated to ICNU that intervenors were invited to these workshops as a courtesy, and that ICNU should attempt to schedule its own workshops with PacifiCorp. ICNU did so when its consultant was available on December 4, 2007, as PacifiCorp acknowledges in its Response. Id. at 2.

Second, Staff has on-site access to PacifiCorp's tax report. Staff does not have to incur the significant travel expense that ICNU does in order to access PacifiCorp's tax report for the amount of time necessary for reviewing the issues in this Docket. Moreover, Staff does not appear to require an appointment to access PacifiCorp's tax report and no monitor is required when Staff reviews the documents. The Protective Order simply does not afford ICNU the same access that Staff has to PacifiCorp's tax report.

Finally, as stated in ICNU's Motion to Modify the Protective Order, ICNU was unable to obtain a qualified consultant that would not require significant travel expenses to review PacifiCorp's tax report. ICNU's Motion to Modify the Protective Order at 4. ICNU made every attempt to locate a qualified local consultant, and made every attempt to access PacifiCorp's tax report as soon as possible. In any event, when ICNU actually accessed the tax report is irrelevant to the issue of cost. The same costs

PAGE 2 – ICNU'S REPLY TO PACIFICORP'S RESPONSE IN OPPOSITION TO ICNU'S MOTION TO MODIFY THE PROTECTIVE ORDER

would exist if a consultant had been hired in October as opposed to November. Due to the limitations on ICNU's access to PacifiCorp's tax report under the Protective Order, a thorough review of PacifiCorp's tax report is simply cost prohibitive and not feasible for ICNU's consultant under the provisions of the Protective Order.

### **CONCLUSION**

ICNU respectfully requests that the Commission consider ICNU's Reply to PacifiCorp's Response to ICNU's Motion to Modify the Protective Order. Without modification of the Protective Order, ICNU cannot effectively participate in these proceedings.

Dated this 24th day of December, 2007.

Respectfully submitted,

/s/ Allen C. Chan

Melinda J. Davison

Allen C. Chan

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Of Attorneys for Industrial Customers  
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