

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 UE 191

4 In the Matter of

5 PACIFICORP, dba PACIFIC POWER &  
6 LIGHT COMPANY PacifiCorp's 2008  
7 Transition Adjustment Mechanism.

MOTION TO SUPPLEMENT THE RECORD  
EXPEDITED CONSIDERATION REQUESTED

8 **INTRODUCTION**

9 The Public Utility Commission of Oregon Staff (Staff) respectfully requests that the  
10 enclosed supplemental testimony of Mr. Bill Wordley be allowed to be offered in this  
11 proceeding. Because an evidentiary hearing is currently scheduled for August 10, 2007, Staff  
12 also respectfully requests expedited consideration of this motion to supplement the record.

13 **BACKGROUND**

14 On April 2, 2007, PacifiCorp filed its initial application in this proceeding. On June 27,  
15 2007, Staff and Intervenors filed testimony proposing certain adjustments. On July 25, 2007,  
16 PacifiCorp filed rebuttal testimony. As part of PacifiCorp's rebuttal testimony, Mr. Widmer  
17 filed rebuttal testimony on Mr. Wordley's proposed wholesale margin adjustment that raised  
18 numerous and complex arguments in opposition to Mr. Wordley's wholesale margin adjustment.  
19 After the filing of PacifiCorp's rebuttal testimony, a second settlement conference was held on  
20 the afternoon of August 6, 2007, where the parties were unable to reach resolution of the issues  
21 in this proceeding.

22 **DISCUSSION**

- 23 **1. Mr. Wordley's supplemental testimony is necessary to create a complete and full**  
24 **record for the Commission's consideration.**

25 The current schedule does not provide a mechanism for Staff to file surrebuttal testimony  
26 in response to Mr. Widmer's rebuttal. While it appears that there have been three rounds of

1 testimony, this proceeding is atypical in that Staff and Intervenor's direct testimony in response  
2 to PacifiCorp's application is the first testimony to outline proposed adjustments. As a result,  
3 PacifiCorp's rebuttal testimony raises issues for the first time that Staff has no opportunity to  
4 rebut. Instead of the more typical three rounds of testimony where the scope of issues is limited  
5 by the issues raised in rebuttal, PacifiCorp was not limited by the scope of testimony and was  
6 able to raise a host of issues that operate to confuse the record if no responsive testimony is  
7 allowed.

8 Admittedly, the schedule does not provide for additional testimony and an evidentiary  
9 hearing is scheduled in the near future. In hindsight, and considering the type of rebuttal  
10 testimony that is apparently going to be filed in these proceedings, agreeing to a schedule that  
11 does not provide for additional rounds of testimony was a mistake. Nonetheless, a procedural  
12 error should not operate to deprive the Commission of the opportunity to consider a full,  
13 complete, and coherent record. In order to achieve a full and complete record, additional  
14 testimony is necessary to explain the assertions made in Mr. Widmer's rebuttal testimony.

15 **2. Good cause exists to allow supplemental testimony at this late date.**

16 Ideally, this motion would have been filed at an earlier date to allow the parties more  
17 time to respond and prepare for the scheduled evidentiary hearing. In fact, Staff would not  
18 typically file such a motion at this late date. Staff only takes this step in consideration of the fact  
19 that the Commission will not have a complete record without additional testimony.

20 Nonetheless, the following factors are offered in support of the uniqueness of this particular  
21 situation:

- 22 1. Maury Galbraith, Senior Economist for Commission Staff working on power costs  
23 issues, left Commission employment on July 27, 2007.
- 24 2. Bill Wordley, Senior Economist for Commission Staff working on power costs  
25 issues (and specifically the wholesale margin adjustment), was on vacation the  
26 week of July 29<sup>th</sup> through August 3<sup>rd</sup>.
3. A settlement conference was held on August 6, 2007. The parties were unable to  
reach settlement.

1 While Staff is cognizant that these events are not in any way the fault of the Company,  
2 Staff makes this motion under these unique circumstances to create a full and complete record.

3 **3. Staff recognizes that granting this motion could procedurally disadvantage the**  
4 **Company, but will work diligently with all the parties to cure any procedural**  
5 **disadvantage.**

6 With a hearing scheduled for August 10, 2007, the Company does not currently have the  
7 ability to conduct discovery on this new testimony, nor do they have much time to prepare  
8 additional cross-examination questions. Because Staff's fundamental objective is to create a full  
9 and complete record so the Commission can make a decision on the merits of the proposed  
10 adjustment, Staff is willing to work diligently with all the parties to cure any procedural  
11 disadvantage granting this motion may cause on the parties.

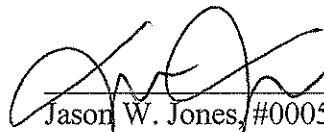
12 **CONCLUSION**

13 For the foregoing reasons, Staff respectfully requests that the Commission expeditiously  
14 grant Staff's motion to allow the supplemental testimony of Mr. Bill Wordley on the wholesale  
15 margin adjustment and make reasonable procedural changes to prevent the parties from being  
16 disadvantaged by the late nature of this request.

17 DATED this 8th day of August 2007.

18 Respectfully submitted,

19 HARDY MYERS  
20 Attorney General

21   
22 Jason W. Jones, #00059

23 Assistant Attorney General  
24 Of Attorneys for the Public Utility Commission  
25 of Oregon  
26

1 **CERTIFICATE OF SERVICE**

2  
3 I certify that on August 8, 2007, I served the foregoing upon all parties of record in this  
4 proceeding by delivering a copy by electronic mail and by mailing a copy by postage prepaid  
5 first class mail or by hand delivery/shuttle mail to the parties accepting paper service.

6 **W**  
7 **CITIZENS' UTILITY BOARD OF OREGON**  
8 LOWREY R BROWN - **CONFIDENTIAL**  
9 UTILITY ANALYST  
10 610 SW BROADWAY - STE 308  
11 PORTLAND OR 97205  
12 lowrey@oregoncub.org

13 JASON EISDORFER - **CONFIDENTIAL**  
14 ENERGY PROGRAM DIRECTOR  
15 610 SW BROADWAY STE 308  
16 PORTLAND OR 97205  
17 jason@oregoncub.org

18 ROBERT JENKS - **CONFIDENTIAL**  
19 610 SW BROADWAY STE 308  
20 PORTLAND OR 97205  
21 bob@oregoncub.org

22 **DAVISON VAN CLEVE PC**  
23 MELINDA J DAVISON - **CONFIDENTIAL**  
24 333 SW TAYLOR - STE 400  
25 PORTLAND OR 97204  
26 mail@dvclaw.com

**W**  
**MCDOWELL & RACKNER PC**  
KATHERINE A MCDOWELL  
ATTORNEY  
520 SW SIXTH AVE - SUITE 830  
PORTLAND OR 97204  
katherine@mcd-law.com

**OREGON PUBLIC UTILITY COMMISSION**  
MAURY GALBRAITH - **CONFIDENTIAL**  
NAT GAS/R & P  
PO BOX 2148  
SALEM OR 97308-2148  
maury.galbraith@state.or.us

**W**  
**PACIFICORP**  
DATA REQUEST RESPONSE CENTER  
825 NE MULTNOMAH SUITE 2000  
PORTLAND OR 97232  
datarequest@pacificorp.com

OREGON DOCKETS  
825 NE MULTNOMAH ST  
STE 2000  
PORTLAND OR 97232  
oregondockets@pacificorp.com

NATALIE HOCKEN  
825 NE MULTNOMAH  
SUITE 2000  
PORTLAND OR 97232  
natalie.hocken@pacificorp.com

**RFI CONSULTING INC**  
RANDALL J FALKENBERG - **CONFIDENTIAL**  
PMB 362  
8343 ROSWELL RD  
SANDY SPRINGS GA 30350  
consultrfi@aol.com

21 

22 Neoma Lane  
23 Legal Secretary  
24 Department of Justice  
25 Regulated Utility & Business Section  
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