

# McDowell Rackner & Gibson PC



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September 20, 2011

## VIA ELECTRONIC AND U.S. MAIL

PUC Filing Center  
Public Utility Commission of Oregon  
PO Box 2148  
Salem, OR 97308-2148

Re: **UE 227 – PacifiCorp's 2012 Transition Adjustment Mechanism**

Attention Filing Center:

Enclosed for filing in the above captioned docket are the original and one copy of the Joint Motion to Reopen Record, Allow Filing of Stipulation and Joint Testimony, and Amend Schedule.

A copy of this filing was served on all parties to this proceeding as indicated on the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Katherine McDowell', written over a horizontal line.

Katherine McDowell

cc: Service List

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

3 **UE 227**

4 In the Matter of:  
5 PACIFICORP, dba PACIFIC POWER  
6 2012 Transition Adjustment Mechanism

**JOINT MOTION TO REOPEN RECORD,  
ALLOW FILING OF STIPULATION AND  
JOINT TESTIMONY, AND  
AMEND SCHEDULE  
(EXPEDITED TREATMENT REQUESTED)**

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8 Pursuant to OAR 860-001-0420 and OAR 860-001-0350, PacifiCorp, Staff of the  
9 Public Utility Commission of Oregon (Staff), the Citizens' Utility Board of Oregon (CUB), and  
10 Noble Americas Energy Solutions LLC (Noble Solutions) (together, the Parties) submit this  
11 motion (Motion) to the Public Utility Commission of Oregon (Commission). In this Motion, the  
12 Parties request that the Commission take the following actions to facilitate review of the  
13 Parties' comprehensive Stipulation, which the Parties are filing concurrently with this Motion:  
14 (1) reopen the record in this proceeding to accept the Stipulation and Joint Testimony  
15 supporting the Stipulation into the record, as well as any additional evidence the Commission  
16 deems necessary to its evaluation of the Stipulation; (2) allow the filing of the Stipulation and  
17 Joint Testimony; and (3) amend the schedule in this case as proposed below to provide for  
18 additional process to evaluate the Stipulation, or hold a scheduling conference to set a new  
19 procedural schedule.

20 The Parties contacted the Industrial Customers of Northwest Utilities (ICNU) to confer  
21 on the Motion. ICNU opposes the schedule proposed in the Motion and provided an  
22 alternative proposed schedule which adds two dates: a hearing date of October 24 and a  
23 post-hearing briefing date of November 7 or 8. While the Joint Parties do not object to adding  
24 these milestones, ICNU's proposed schedule is not sufficiently expedited to allow for a  
25 decision on the Stipulation prior to the commencement of the direct access window.  
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**BACKGROUND**

This case went to hearing before Administrative Law Judge (ALJ) Lisa Hardie on September 8, 2011. After the hearing, all parties to the docket participated in an additional settlement conference on September 14, 2011. This settlement conference resulted in a comprehensive settlement of all issues in the case among the Parties. ICNU, the only other party to this docket, participated in the settlement conference but declined to join the Stipulation.

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**MOTION**

To allow for the process necessary for the Commission to review this Stipulation, the Parties request that the Commission take the following actions:

1. Reopen the record in this proceeding;
2. Allow the Stipulation and supporting Joint Testimony filed concurrently with this Motion to be filed in this proceeding;<sup>1</sup>
3. Amend the schedule in this case as follows:
  - a. Vacate the existing briefing schedule;
  - b. Pursuant to OAR 860-001-0350(8), set October 5, 2011 (15 days from the date of this filing) as the deadline for ICNU to file written objections to the Stipulation and to request a hearing on the Stipulation;
  - c. Allow the Parties to file a response to the objections by October 14, 2011;
  - d. Set a date for hearing or oral argument if deemed necessary; and
  - e. Set October 31, 2011 as the target date for a final order in this docket.An order by this date is necessary to allow PacifiCorp to incorporate the

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<sup>1</sup> The Parties did not submit affidavits with this Motion because of the possibility that the Commission will hold a hearing on the Stipulation. In the event a hearing is not required, the Parties will submit affidavits in support of the joint testimony.

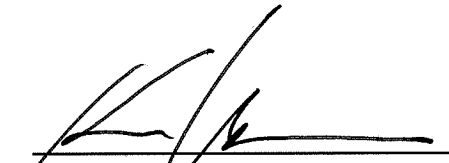
1 Commission's order into the Company's Indicative Filing on November 8,  
2 2011 and the Final Update on November 15, 2011.

3 The Parties request that the Commission reopen the record, accept the filing of the  
4 Stipulation and Joint Testimony, and adopt the Parties' proposed schedule or hold a  
5 scheduling conference to set a new schedule.

6 **CONCLUSION**

7 To ensure orderly review of the Parties' comprehensive Stipulation, the Parties request  
8 that the Commission take the actions outlined above.

9 DATED: September 20, 2011.

10   
11 Katherine McDowell  
Amie Jamieson

12 Attorneys for PacifiCorp  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing document in UE 227 on the following named person(s) on the date indicated below by email addressed to said person(s) at his or her last-known address(es) indicated below.

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DATED: September 20, 2011

  
Wendy McIndoo, Office Manager