

August 1, 2007

**BY ELECTRONIC MAIL (*PUC.FilingCenter@state.or.us*)**  
**AND REGULAR MAIL**

Public Utility Commission of Oregon  
Attention: Filing Center  
550 Capitol Street NE, Suite 215  
Salem, OR 97301-2551

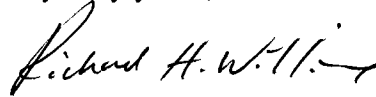
Re: *Wah Chang v. PacifiCorp*  
Docket UM 1002

Dear Sir or Madam:

Enclosed for filing is Wah Chang's Motion to Strike PacifiCorp's Supplemental Reply Testimony and Request for Expedited Consideration, with attached Certificate of Service.

A courtesy copy is enclosed for the Administrative Law Judge.

Very truly yours,



Richard H. Williams

RHW:djs  
Enclosure  
cc (w/enc) ALJ Patrick Power  
Service List  
006854.0164/640698.1



1 **DISCUSSION**

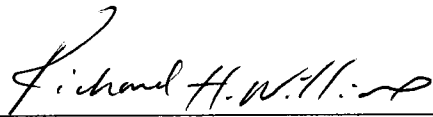
2 The Ruling granted PacifiCorp's motion to file sur-rebuttal testimony responding to  
3 Mr. Howard's rebuttal testimony about his statistical study of PacifiCorp's transaction reports to  
4 Dow Jones. PacifiCorp did not seek, and the Ruling did not grant, permission to file  
5 supplemental reply testimony responding to Mr. McCullough's testimony about PacifiCorp's  
6 participation in Enron's ricochet schemes. To the contrary, during the conference call on  
7 July 27, 2007, PacifiCorp's counsel, in response to a direct question, gave explicit assurance that  
8 the testimony would be limited to rebuttal of Mr. Howard's study.

9 Notwithstanding the Ruling and PacifiCorp's assurance, PacifiCorp filed "supplemental  
10 reply" testimony that, true to its name, supplemented Dr. Cicchetti's testimony replying to  
11 Mr. McCullough. The offending testimony begins "Mr. McCullough alleges that" and continues  
12 with a purported reply to Mr. McCullough's testimony concerning PacifiCorp's participation in  
13 ricochets. This "supplemental reply" testimony does not rebut Mr. Howard's study, which does  
14 not address ricochets.

15 PacifiCorp should be required to refile the Cicchetti-Durbin testimony, properly  
16 designated as sur-rebuttal testimony, omitting the improper testimony. A prompt refileing is  
17 needed so that Wah Chang's sur-surrebuttal testimony can refer to the correct pages and lines of  
18 the Cicchetti-Durbin testimony.

19 DATED: August 1, 2007

20 LANE POWELL PC

21  
22 By   
23 Richard H. Williams, OSB No. 72284  
Milo Petranovich, OSB No. 81337

24 Attorneys for Petitioner Wah Chang  
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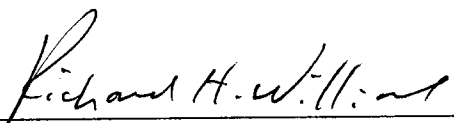
1 CERTIFICATE OF SERVICE

2 I certify that on August 1, 2007, I served WAH CHANG'S MOTION TO STRIKE  
3 SUPPLEMENTAL REPLY TESTIMONY AND REQUEST FOR EXPEDITED  
4 CONSIDERATION upon all parties of record in this proceeding, by delivering a copy in person  
5 or by mailing a copy properly addressed with first class postage prepaid, or by electronic mail  
6 pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

7 Paul Graham  
8 Assistant Attorney General  
9 Department of Justice  
10 Regulated Utility & Business Section  
11 1162 Court Street NE  
12 Salem, OR 97301-4096  
13 [paul.graham@state.or.us](mailto:paul.graham@state.or.us)

14 Natalie Hocken  
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26  
  
Richard H. Williams  
Of Attorneys for Petitioner Wah Chang