

---

December 18, 2023

*Via Electronic Filing*

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High St. SE, Suite 100  
Salem, OR 97301  
puc.filingcenter@puc.oregon.gov

Re: Docket No. UE 428 – Samuel Drevo’s Petition to Intervene, Individually  
and on Behalf of the Certified Class in *James v. PacifiCorp* (No. 20CV33885)  
(Mult. Cnty.)

Attention Filing Center,

Please find attached for filing in the above-referenced proceeding Samuel Drevo’s  
Petition to Intervene, Individually and on Behalf of the Certified Class in *James v. PacifiCorp*  
(No. 20CV33885) (Mult. Cnty.).

Thank you for your assistance. Please do not hesitate to contact me with any questions  
regarding this filing. Mr. Drevo can be contacted via his attorney, listed in the petition below.

Thank you,

*/s/ Matthew J. Preusch*

Matthew J. Preusch, OSB No. 134610  
801 Garden Street, Suite 301  
KELLER ROHRBACK L.L.P.  
Santa Barbara, CA 93101  
Tel: (805) 456-1496  
mpreusch@kellerrohrback.com

Counsel for Samuel Drevo and *James* Plaintiffs

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UE 428

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Advice No. 23-018 (ADV 1545),  
Modifications to Rule 4, Application for  
Electrical Service.

**SAMUEL DREVO'S PETITION TO  
INTERVENE, INDIVIDUALLY AND  
ON BEHALF OF THE CERTIFIED  
CLASS IN *JAMES V. PACIFICORP***

Pursuant to ORS 756.525 and OAR 860-001-0300, Samuel Drevo ("Drevo" or "Petitioner"), on behalf of himself and the class certified in the matter *James et al. v. PacificCorp et al.*, No. 20CV33885 (Mult. Cnty. Cir. Ct., Alexander, J.), hereby petitions the Oregon Public Utility Commission to intervene and participate in this proceeding.

1. The contact information of the Petitioner is:

- a. Name: Samuel Drevo, individually and on behalf of the certified class in the *James* matter.
- b. Contact Information: c/o Matthew J. Preusch, 801 Garden Street, Suite 301, KELLER ROHRBACK L.L.P., Santa Barbara, CA 93101, (805) 456-1496, mpreusch@kellerrohrback.com

Please include this contact on the service list.

2. Petitioner will be represented by counsel in this proceeding. The contact information for counsel, who have been appointed as Lead Counsel in the *James* matter, to be included on the service list, is:

Matthew J. Preusch, OSB No. 134610  
KELLER ROHRBACK L.L.P.  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel: (805) 456-1496  
Fax: (206) 623-3384  
mpreusch@kellerrohrback.com

Sarah R. Osborn, OSB No. 222119  
KELLER ROHRBACK L.L.P.  
601 SW 2nd Ave., Suite 1900  
Portland, OR 97204  
Tel: (206) 623-1900  
Fax: (206) 623-3384  
sosborn@kellerrohrback.com

SAM DREVO'S PETITION TO INTERVENE - 1

Cody Berne, OSB No. 142797  
STOLL STOLL BERNE LOKTING & SHLACHTER P.C.  
209 SW Oak Street, Suite 500  
Portland, OR 97204  
Tel: (503) 227-1600  
Fax: (503) 227-6840  
cberne@stollberne.com

3. Petitioner's interests and those of the *James* class are substantially and directly affected by PacifiCorp's proposed modifications to tariff pages relating to PacifiCorp's General Rules and Regulations Application for Electrical Service (Rule 4). This includes the proposed tariff amendment, which may affect claims for noneconomic damages, double damages pursuant to ORS 477.089(2)(b), and punitive damages brought by Petitioner and his fellow class members.
4. The *James* case arises out of four devastating wildfires that ravaged Oregon on and after Labor Day 2020—the Santiam Canyon fire, the Echo Mountain Complex fire, the South Obenchain fire, and the 242 fire. The Court certified an issues class in May 2022, and appointed Petitioner—among others—as a representative of the class. The case then proceeded to a liability trial earlier this year, during which PacifiCorp was found to be responsible for these four fires and the associated harm to Petitioner and an entire class of fire survivors. The jury further awarded Petitioner and the other class representatives noneconomic damages and punitive damages arising from PacifiCorp's fires—as well as awarded punitive damages to the entire class. And after trial, based on the jury's finding that PacifiCorp was grossly negligent and acted recklessly and willfully, the judge ordered economic damages doubled under ORS 477.089(2)(b). The case is now in the damages phase, during which the damages for absent class members will be determined, and Petitioner and his fellow class members intend to seek these same categories of damages. PacifiCorp's proposed tariff, which seeks to eliminate many categories of damages awarded in the *James* case, threatens my potential recovery of these categories of damages and the recovery of class members.
5. Petitioner intends to participate in this proceeding and raise issues that are appropriate to the proceeding, including *James* class members' entitlement to categories of damages under Oregon law.
6. As described above, the members of the certified class in *James*, including Petitioner, have a direct and substantial interest in this proceeding. No other party can adequately represent these interests, and our unique and personal knowledge of the issues in this proceeding will assist the Commission in making determinations and resolving the matters at issue.
7. Based on the information provided above in accordance with the Commission's rules of procedure, Petitioner requests to participate fully in this proceeding as an

intervenor. Petitioner will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

RESPECTFULLY SUBMITTED this 18th day of December, 2023.

KELLER ROHRBACK L.L.P.

By /s/ Matthew J. Preusch  
Matthew J. Preusch, OSB No. 134610

801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel: (805) 456-1496  
Fax: (206) 623-3384  
mpreusch@kellerrohrback.com

**Sarah R. Osborn**, OSB No. 222119  
KELLER ROHRBACK L.L.P.  
601 SW 2<sup>nd</sup> Ave., Suite 1900  
Portland, OR 97204  
Tel: (206) 623-1900  
sosborn@kellerrohrback.com

**Cody Berne**, OSB No. 142797  
STOLL STOLL BERNE LOKTING  
& SHLACHTER P.C.  
209 SW Oak Street, Suite 500  
Portland, OR 97204  
Tel: (503) 227-1600  
Fax: (503) 227-6840  
cberne@stollberne.com

*Attorneys for Petitioner and the James class*