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August 31, 2009

Via Electronic and US Mail

Filing Center
Administrative Hearings Division
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

Re: In the Matter of OREGON PUBLIC UTILITY STAFF Requests the Commission direct AVISTA UTILITIES, to file tariffs establishing automatic adjustment clauses under the terms of SB 408.

Docket No. UG 171

Dear Filing Center:

Enclosed please find the original of the Industrial Customers of Northwest Utilities' Petition to Intervene Out of Time in the above-referenced proceeding.

Please call our office if you have any questions. Thank you for your assistance.

Sincerely,

/s/ Brendan E. Levenick
Brendan E. Levenick

Enclosures

cc: Service List

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the Industrial Customers of Northwest Utilities' Petition to Intervene Out of Time upon the parties on the service list, shown below, by causing the same to be mailed, postage-prepaid, through the U.S. Mail.

Dated at Portland, Oregon, this 31st day of August, 2009.

/s/ Brendan E. Levenick
Brendan E. Levenick

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(W) CHAD M STOKES (C) 1001 SW 5TH - STE 2000 PORTLAND OR 97204 cstokes@cablehuston.com	(W) CITIZEN'S UTILITY BOARD OF OREGON G. CATRIONA MCCrackEN (C) (HC) OPUC DOCKETS GORDON FEIGHNER (C) (HC) ROBERT JENKS (C) (HC) 610 SW BROADWAY - STE 308 PORTLAND OR 97205 catriona@oregoncub.org gordon@oregoncub.org bob@oregoncub.org
DANIEL W MEEK 10949 SW 4TH AVE PORTLAND OR 97219 dan@meeek.net	DEPARTMENT OF JUSTICE JASON W JONES REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us
(W) ENERGY ACTION NORTHWEST EDWARD A FINKLEA (C) PO BOX 8308 PORTLAND OR 97207 efinklea@energyactionnw.org	KAFOURY & MCDUGAL LINDA K WILLIAMS (C) (HC) 10266 SW LANCASTER RD PORTLAND OR 97219-6305 linda@lindawilliams.net
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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 171

In the Matter of)	
)	
OREGON PUBLIC UTILITY)	PETITION TO INTERVENE OUT OF
COMMISSION STAFF Directing)	TIME OF THE INDUSTRIAL
)	CUSTOMERS OF NORTHWEST
AVISTA UTILITIES)	UTILITIES
)	
to file tariffs establishing automatic)	
<u>adjustment clauses under the terms of SB 408</u>)	

Pursuant to ORS § 756.525 and OAR § 860-012-0001, the Industrial Customers of Northwest Utilities (“ICNU”) petitions the Public Utility Commission of Oregon (“OPUC” or the “Commission”) to intervene in this proceeding with full party status as described in OAR § 860-011-0035(5). In support of this petition, ICNU represents as follows:

1. The business address of ICNU is:

Michael Early
Industrial Customers of Northwest Utilities
333 S.W. Taylor, Suite 400
Portland, OR 97204

2. ICNU will be represented in this proceeding by Davison Van Cleve P.C.

All documents relating to these proceedings should be served on ICNU’s attorneys at the following address:

Melinda J. Davison
Irion A. Sanger
Davison Van Cleve, P.C.
333 S.W. Taylor, Suite 400
Portland, OR 97204
E-Mail: ias@dvclaw.com
Telephone: (503) 241-7242

3. ICNU is an incorporated, non-profit association of large industrial electric customers in the Pacific Northwest, with offices in Portland, Oregon. A list of ICNU members is included as Attachment A.

4. ICNU has a substantial interest in the establishment and implementation of an automatic adjustment clause by Avista under Senate Bill (“SB”) 408. SB 408 seeks to ensure that amounts that Oregon utilities collect in rates for income taxes reflect the amounts that those utilities or the consolidated group of which the utility is a member actually pay to units of government. This proceeding is addressing the establishment and implementation of an automatic adjustment clause in accordance with section 3(4) of SB 408 in order to consider an adjustment to rates related to taxes actually paid by Avista or the affiliated group of which Avista is a member. As large industrial electric ratepayers who pay substantial amounts in charges for income tax expenses included in electric rates, ICNU’s members have an interest in the Commission’s implementation of tax adjustment clauses.

5. ICNU is a party to Docket Nos. UE 177 and UE 178, which are similar proceedings for PacifiCorp and Portland General Electric (“PGE”), respectively. Originally, ICNU’s interests were particular to PacifiCorp and PGE’s tax filings. However, ICNU now understands that Docket No. UG 171 encompasses issues which impact all SB 408 tax-related companies, and ICNU requests that it be allowed to intervene out of time in the interests of its members. ICNU has demonstrated good cause to intervene out of time because it was not originally apparent that Docket No. UG 171 would address issues relevant to PacifiCorp and PGE.

6. ICNU's intervention in this proceeding will assist the Commission in resolving the issues and will not unreasonably broaden the issues, burden the record, or delay this proceeding.

7. As described above, ICNU has a direct and substantial interest in this proceeding that will not be adequately represented by any other party, and may be affected by any Commission determination made in connection with these proceedings. It is in the public interest to allow ICNU to intervene in this proceeding.

WHEREFORE, ICNU respectfully requests that the Commission grant its petition to intervene with full party status in this proceeding.

Dated this 31st day of August, 2009.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Irion A. Sanger

Melinda J. Davison

Irion A. Sanger

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Of Attorneys for Industrial Customers
of Northwest Utilities

ATTACHMENT A
INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES

Air Liquide
Air Products
Amcor PET Packaging USA, Inc. (CNC Containers Northwest)
Certain Teed Gypsum & Ceiling Manufacturing, Inc. (BPB)
Blue Heron Paper Company
Boeing
Boise Cascade, LLC
Boise Paper
ConAgra Foods
Dyno Nobel, Inc.
Eka Chemicals, Inc.
Emerald Performance Materials, LLC
Equa-Chlor, LLC
Evanite Fiber
Evraz Oregon Steel Mills
Freres Lumber Company
Georgia-Pacific
Grays Harbor Paper, L.P.
Hewlett-Packard
Inland Empire Paper Co.
Intel
International Paper
J.R. Simplot
Kimberly-Clark Corporation
Linde, Inc.
Longview Fibre
Microsoft Corporation
Norpac Foods
PCC Structurals, Inc.
Ponderay Newsprint
REC Solar Grade Silicon LLC
Shell Oil Products US
Simpson Paper & Timber
SP Newsprint
Tesoro Refining and Marketing Co.
Wah Chang
West Linn Paper Company
Weyerhaeuser