

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 171

In the Matter of)	
)	
PACIFIC POWER & LIGHT (dba)	MEMORANDUM
PACIFICORP))	
)	
Klamath Basin Irrigation Rates.)	

On May 19, 2005, the Commission will hear oral argument on PacifiCorp’s motion for summary disposition. The following parties, listed in order of presentation, will appear:

- PacifiCorp
- Klamath Water Users Association (KWUA)
- Klamath Off-Project Water Users (KOPWU)
- WaterWatch
- Bureau of Reclamation
- Commission Staff (Staff)

As previously noted, the oral arguments are scheduled to begin at 9:00 a.m. in the Commission’s Main Hearing Room in Salem, Oregon. Each party will have ten minutes to present its argument. As the moving party, PacifiCorp will also have an additional five minutes for rebuttal.

Based on its initial review of the parties’ filings, the Commission would like the parties to address the following question at argument:

Regardless of the terms and condition of the historic contracts, does the Commission have independent authority, as explained in *American Can Co. v. Davis*, 28 Or App 207, *rev den*, 278 Or 393 (1977), to conduct an investigation, at any time, to consider the proper rates to be paid by the On-Project and Off-Project irrigators?

The parties may address other issues at argument; however, this proceeding is quite narrow in scope. This docket was initiated to address whether irrigation customers within the Klamath Basin should be provided electric service under the historical contracts beyond April 2006. The oral arguments are solely to address

PacifiCorp's request for summary disposition on this issue. Consequently, this is not a proper forum to address the factual adequacy of the historic contract rate or an alternative rate. Such matters involve issues of material fact and are not appropriate for summary disposition. *See, e.g., Jones v General Motors Corp*, 325 Or 404, 420 (1997).

Dated this 16th day of May, 2005, at Salem, Oregon.

Michael Grant
Chief Administrative Law Judge