

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 170

In the Matter of the)	
)	
INDUSTRIAL CUSTOMERS OF)	ORDER
NORTHWEST UTILITIES)	
)	
Request for Partial Payment of Issue Fund)	
Grant.)	

DISPOSITION: APPLICATION FOR RECONSIDERATION GRANTED

On November 5, 2005, the Industrial Customers of Northwest Utilities (ICNU) filed an application for reconsideration of the decision in Order No. 05-1063 to correct an error of fact. In that order, the Commission granted ICNU’s request for payment in part, finding that ICNU had sought reimbursement of expenses that exceeded the amount requested in its approved budget. ICNU contends the Commission’s conclusion was based on a misinterpretation of the spreadsheets attached to its request.

The Commission may grant an application for reconsideration “if sufficient reason therefor is made to appear.” ORS 756.561(1). Under our rules, the Commission may grant reconsideration if the applicant shows that there is: 1) new evidence which was unavailable and not reasonably discoverable before issuance of the order; 2) a change in the law or agency policy since the date the order was issued; 3) an error of law or fact in the order; or 4) good cause for further examination. OAR § 860-014-0095(3).


Here, ICNU has established an error of fact in order No. 05-1063. With the clarification that the submitted spreadsheets included only a portion of expenses incurred in the proceeding, we agree that ICNU is not seeking reimbursement from the PacifiCorp Issue Fund of amounts that exceed its total proposed budget. ICNU has demonstrated that it has incurred amounts that exceed its budgeted amounts for attorney fees (\$56,480), expert witness fees (\$85,000), and expenses (\$6,500). Accordingly, ICNU’s request for reimbursement in this proceeding should be granted in full, for a total of \$147,174.62. PacifiCorp should allocate amounts paid to its industrial customers.

ORDER


IT IS ORDERED that:

- 1. The Industrial Customers of Northwest Utilities' application for reconsideration of Order No. 05-1063 is granted.
- 2. The Industrial Customers of Northwest Utilities has met the requirements of the Intervenor Funding Agreement, and its request for reimbursement in this proceeding is granted in full.
- 3. Within 30 days after receipt of this Order, PacifiCorp shall make an additional payment to the Industrial Customers of Northwest Utilities to ensure the organization receives an Issue Fund Grant in this proceeding totaling \$147,174.62.
- 4. PacifiCorp shall assess the payment to PacifiCorp's industrial customers.


Made, entered, and effective NOV 21 2005.



Lee Beyer
 Chairman



John Savage
 Commissioner



Ray Baum
 Commissioner



A party may appeal this order to a court pursuant to applicable law.