

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 210

In the Matter of

PACIFICORP dba PACIFIC POWER

Request for a General Rate Revision.

ORDER

DISPOSITION: CASE CERTIFICATION APPLICATION GRANTED

On April 22, 2009, the Klamath Water Users Association (KWUA) filed an Application for Case Certification pursuant to OAR 860-012-0100(4) and section 5.3 of the First Amended and Restated Intervenor Funding Agreement (IFA) dated December 5, 2007 and approved by the Public Utility Commission (Commission) in Order 07-564 (December 19, 2007). KWUA served a copy of its application on the UE 210 service list. KWUA notes that it applied for and received case certification in dockets UE 170 and UE 179 and that it continues to meet each of the criteria for grant eligibility. No one objected to the application.

Discussion

In order to become eligible to receive an Issue Fund Grant, an intervenor must be case certified or precertified. IFA section 5.1. An organization must demonstrate that it meets certain criteria, set forth in OAR 860-012-0100(4), in order to become case certified. We address each criterion separately.

First, the organization must demonstrate that it is not-for-profit or in the process of becoming not-for-profit, that it is comprised of multiple customers of one or more of the utilities party to the IFA, and that a primary purpose of the organization is to represent broad utility customer interests. OAR 860-012-0100(4)(a).

KWUA is a non-profit corporation comprised of about 20 public agencies, most of which are irrigation districts, and many other private irrigators located in PacifiCorp's service territory. KWUA members, including the irrigation districts and other private irrigator members, are customers of PacifiCorp. Although the rates of many of KWUA's members are currently mitigated by operation of ORS 757.227, these rate-payers are transitioning to the full Schedule 41 rate.

Second, the organization must represent the interests of a broad group or class of customers and its participation in the proceeding must be primarily directed at public utility rates, terms, and conditions of service affecting that broad group or class of customers. OAR 860-012-0100(4)(b).

KWUA states that its participation will benefit all of PacifiCorp's irrigation customers taking service under Schedule 41. KWUA asserts that its participation will focus on PacifiCorp's rates, rate design, and quality of service offered under PacifiCorp's Schedule 41.

Third, the organization must demonstrate that it is able to effectively represent its particular group or class of customers. OAR 860-012-0100(4)(c).

KWUA is one of the largest associations of irrigation districts and irrigators in Oregon. Further, KWUA states that it is actively seeking to coordinate with other statewide agriculture organizations that have a substantial interest in PacifiCorp's Schedule 41 rates. KWUA has engaged the law firm of Cable Huston Benedict Haagensen & Lloyd LLP (Cable Huston) to represent it in this case. Cable Huston attorneys have extensive experience practicing before this Commission and represented KWUA in PacifiCorp's last general rate proceedings, UE 170 and UE 179. Cable Huston attorneys also have extensive experience practicing before other regulatory agencies such as the Federal Energy Regulatory Commission and the Washington Utilities and Transportation Commission.

Fourth, the organization's members, who are customers of one or more of the utilities affected by the proceeding, must contribute a significant percentage of the overall support and funding of the organization. OAR 860-012-0100(4)(d).

KWUA is a dues-based organization. The intervenor funding sought in this proceeding would, if granted, represent a small portion of KWUA's overall annual budget.

Fifth, the organization must demonstrate, or have demonstrated in the past, the ability to substantively contribute to the record on behalf of customer interests related to rates, and terms and conditions of service. OAR 860-012-0100(4)(e).

As stated above, KWUA has engaged Cable Huston as counsel, and Cable Huston has extensive experience practicing before this Commission and other regulatory agencies. Also noted above, Cable Huston represented KWUA in UE 170 and UE 179.

Last, the organization must demonstrate that no precertified intervenor in this docket adequately represents the specific interests of the class of customers represented by the organization as to rates and terms and conditions of service; or the specific interest of a class of customers will benefit from the organization's participation; and that its request for case-certification will not unduly delay the schedule of the proceeding. OAR 860-012-0100(4)(f).

No other precertified intervenor in this docket adequately represents the specific interests of irrigators. The Industrial Customers of Northwest Utilities (ICNU) represents large industrial customers. The Citizens' Utility Board (CUB) represents residential customers. Irrigation customers, with different tariffs and load profiles, will benefit from KWUA's participation, and its participation will not unduly delay the docket schedule.

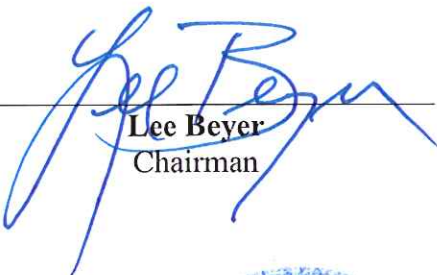
Conclusion

We have reviewed the application and find that the KWUA meets all of the requisite criteria per OAR 860-012-0100(4) and section 5.3 of the First Amended and Restated Intervenor Funding Agreement. Its application for case certification should be granted.


ORDER

IT IS ORDERED that the Klamath Water Users Association is case-certified for this docket.


Made, entered, and effective MAY 14 2009 .



Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner

