

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1438

In the Matter of

SWALLEY IRRIGATION DISTRICT

Complainant,

vs.

PACIFICORP, dba PACIFIC POWER

Respondent.

ORDER

**DISPOSITION: UNOPPOSED MOTION TO DISMISS GRANTED;
DOCKET CLOSED**

On August 21, 2009, Swalley Irrigation District (Swalley) filed a complaint against PacifiCorp, dba Pacific Power (Pacific Power), with the Public Utility Commission of Oregon (Commission), regarding the avoided cost prices applicable to a power purchase agreement (PPA) being negotiated by the parties. After further briefing and negotiation between the parties, Swalley and Pacific Power ultimately resolved all issues in dispute. On October 21, 2009, the parties filed a Joint Submission of Settlement for Commission Approval. On November 9, 2009, in Order No. 09-451, the Commission accepted the parties' settlement agreement for purposes of resolving their dispute, but reserved judgment on the reasonableness of the parties' PPA for ratemaking purposes.

Pacific Power now requests that the Commission dismiss Swalley's complaint with prejudice. Pacific Power states that the settlement agreement between the parties has been fully executed, and there are no remaining unresolved issues related to Swalley's complaint. Pacific Power states that it conferred with counsel for Swalley, and that Swalley concurs with Pacific Power's motion.

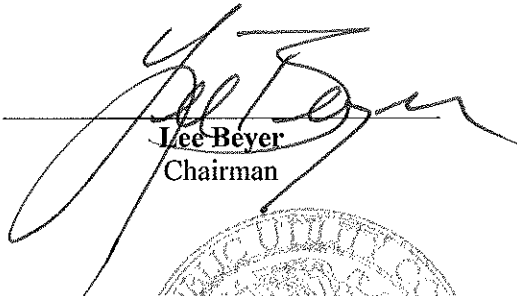
Pacific Power's motion to dismiss Swalley's complaint with prejudice is granted. Because no further issues remain for this Commission's resolution, the docket is closed.

ORDER

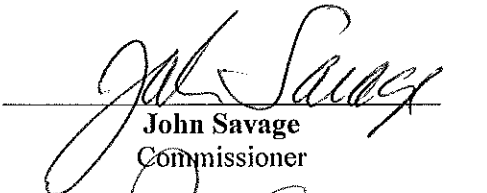
IT IS ORDERED that:

- 1. PacifiCorp, dba Pacific Power's, Unopposed Motion to Dismiss the Complaint of Swalley Irrigation District with Prejudice is GRANTED.
- 2. Docket UM 1438 is hereby CLOSED.

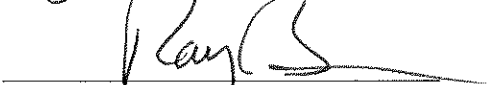
Made, entered and effective DEC 01 2009.



Lee Beyer
 Chairman



John Savage
 Commissioner



Ray Baum
 Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.