

ORDER NO. 11 002

ENTERED JAN 05 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 177 (4)
UE 178 (4)

In the Matters of

PACIFICORP, dba PACIFIC POWER
and
PORTLAND GENERAL ELECTRIC
COMPANY

ORDER

Annual Tax Filings under ORS 757.268.

**DISPOSITION: PROPOSED BUDGETS FOR ISSUE FUND GRANTS
DENIED**

On November 30, 2010, the Industrial Customers of Northwest Utilities (ICNU) filed proposed budgets for Issue Fund Grants in these proceedings. ICNU's proposed budget in UE 177 (4) seeks an Issue Fund Grant from the 2011 PacifiCorp dba Pacific Power (Pacific Power) Issue Fund in the amount of \$33,960; its proposed budget in UE 178 (4) seeks an Issue Fund Grant from the 2011 Portland General Electric Company (PGE) Issue Fund in the amount of \$35,738. We deny ICNU's requests, because they are inconsistent with the appropriate scope of these dockets.

In its proposed budget filings, ICNU miscasts the scope of these proceedings. ICNU states that it intends to investigate whether the tax reports filed by PGE and Pacific Power are "appropriate pursuant to SB 408, in a manner that is consistent with the legislature's intent in enacting SB 408." ICNU Proposed Budget for Issue Fund Grant at 2 (Nov 30, 2010). The appropriate scope of UE 177 (4) and UE 178 (4) is to determine whether the tax reports filed by Pacific Power and PGE are in compliance with OAR 860-022-0041 (the rule adopted by the Commission to implement SB 408). We acknowledge ICNU's argument is that OAR 860-022-0041 is not consistent with the intent of SB 408, but note that the Court of Appeals recently rejected that argument in *Industrial Customers of Northwest Utilities v. PUC*, ___ Or App ___ (Dec 30, 2010).

Because ICNU's proposed budgets are based on proposed work that is outside the scope of these proceedings, ICNU's requests should be denied. ICNU may submit revised requests for issue fund grants based on the proper scope of proceedings as described above.

ORDER

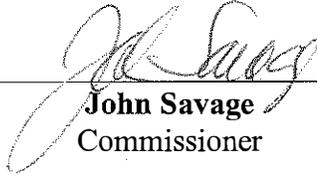
IT IS ORDERED that:

1. The Industrial Customers of Northwest Utilities' proposed budgets for Issue Fund Grants are denied; and
2. The Industrial Customers of Northwest Utilities may file revised proposed budgets reflecting the proper scope of these proceedings.

Made, entered, and effective _____.



Ray Baum
Chairman



John Savage
Commissioner



Susan K. Ackerman
Commissioner

