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February 23, 2006

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**Re: UM 1129**

Enclosed for filing in this matter are the original and one copy of PacifiCorp's Response to Sherman County/Simplot's Motion to Accept Modified Issues List.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John M. Eriksson', is written over a horizontal line. The signature is stylized and cursive.

John M. Eriksson

JME:jlf

cc: Service List

Oregon  
Washington  
California  
Utah  
Idaho

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 **UM 1129**

4 In the Matter of  
5 PUBLIC UTILITY COMMISSION OF  
6 OREGON  
7 Staff's Investigation Relating to Electric  
8 Utility Purchases from Qualifying Facilities

**PACIFICORP'S RESPONSE TO  
SHERMAN COUNTY/SIMPLOT'S  
MOTION TO ACCEPT MODIFIED  
ISSUES LIST**

9 PacifiCorp respectfully submits this Response to the Motion to Accept Modified  
10 Issues List and Procedural Schedule filed by Sherman County/J.R. Simplot. PacifiCorp takes  
11 exception to a very limited aspect of the proposed modified issues list, and that is the  
12 characterization of the jurisdictional issue. Sherman County/Simplot states six different  
13 jurisdictional issues to be addressed in proposed Issues 12.1 through 12.6. Rather than  
14 specifying numerous jurisdictional issues which for the most part appear to be stated in a  
15 manner reflecting Sherman County/Simplot's view that certain matters in PacifiCorp's  
16 proposed off-system PPA are FERC jurisdictional, there is only one jurisdictional issue that  
17 needs to be addressed: "Does an off-system QF's use of FERC-jurisdictional facilities to  
18 transmit its energy and capacity to the purchasing utility deprive the Commission of its  
19 jurisdiction to review and approve or disapprove requirements set forth in the terms and  
20 conditions of the power purchase agreement under which a utility will make purchases from  
21 a QF pursuant to PURPA?"

22 PacifiCorp states that PGE has authorized it to represent that PGE joins in this  
23 response, and notes that the parenthetical preceding Sherman County/Simplot's listing of  
24 issues 12.1 through 12.6 should include PGE as not agreeing with that statement of issues.

25  
26



## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing document upon the parties of record in this proceeding by electronic mail where available and by first-class mail, addressed to said parties/attorneys' addresses as shown below:

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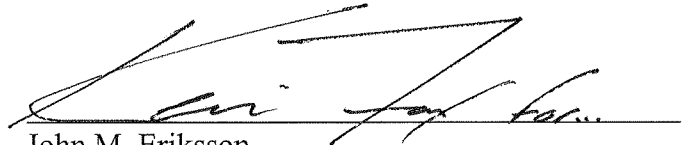
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DATED: February 23, 2006.



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