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November 7, 2005

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VIA ELECTRONIC FILING

PUC Filing Center
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

**Re: MEHC's and PacifiCorp's Response to CUB's Motion to Modify the Schedule
Docket UM 1209**

Enclosed for filing please find MEHC's and PacifiCorp's to Response to CUB's Motion to Modify the Schedule in the above-referenced docket. A copy of this filing has been served on all parties to this proceeding as indicated on the attached certificate of service.

Very truly yours,

A handwritten signature in black ink, appearing to be "Katherine A. McDowell".

Katherine A. McDowell

KAM:knp
Enclosure
cc: Service List

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1209

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In the Matter of MIDAMERICAN
ENERGY HOLDINGS COMPANY
Application for Authorization to Acquire
Pacific Power & Light, dba PacifiCorp.

**MEHC's AND PACIFICORP's
RESPONSE TO CUB's MOTION TO
MODIFY THE SCHEDULE**

MidAmerican Energy Holdings Company ("MEHC") and PacifiCorp (collectively, the "Filing Parties") provide the following response to the Citizens' Utility Board ("CUB") of Oregon's Motion to Modify the Schedule.

1. The Filing Parties' basic position on the schedule has not changed from that stated in response to the previous motion to change the schedule: "As a general matter, the Filing Parties can support any reasonable procedural schedule that results in a Commission order by the end of the suspension period of February 28, 2006. The Filing Parties believe that a reasonable procedural schedule is one that accommodates the needs of the Commission to develop an orderly and complete record and the needs of Staff and Intervenors to constructively and fully respond to the Application. The Filing Parties believe that the schedule contained in the ALJ's August 4, 2005 Ruling ("August 4 Ruling") meets these goals." See MEHC's and PacifiCorp's Response to Joint Motion for Certification (August 18, 2005).

2. CUB's basis for its Motion to Modify the Schedule is its desire to add a round of surrebuttal testimony to the schedule to permit Staff and Intervenors "a full opportunity to respond to Applicant's rebuttal of their testimony." CUB Motion at 2. While the Filing Parties do not agree that CUB's concerns are warranted, they do not object to changes in the current design of the schedule as set forth below and as long as the resulting schedule permits an order before the end of the February 28, 2006 suspension period in this case.

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1 3. The Filing Parties would agree to either of the following alternative
2 scheduling proposals to respond to CUB's concerns:

3 *Alternative One*

4 Staff/Intervenor Testimony	November 21 (no change)
5 Filing Parties' Rebuttal	December 5
6 Staff/Intervenor Surrebuttal	December 19
7 Executive Summaries	December 23
8 Hearing (with Sursurrebuttal if needed)	January 4-6 (no change)

9 *Alternative Two*

10 Filing Parties' Supplemental Direct	November 18
11 Staff/Intervenor Testimony	December 5
12 All Party Rebuttal	December 19
13 Executive Summaries	December 23
14 Hearing	January 4-6 (no change)

15 4. The Filing Parties object to the proposed schedule in CUB's Motion for a
16 number of reasons, the first one being that it proposes hearing dates of January 24-25, 2006,
17 which conflict with the hearings in Wyoming now scheduled in this matter. Moving the
18 hearing from its current date to another date in January is problematic because of the
19 following scheduling conflicts:

20 PacifiCorp's Washington GRC	January 9-20
21 Idaho Hearings	January 17-18
22 Wyoming Hearings	January 23-26

23 The Filing Parties could agree to an alternative hearing date during the Washington GRC
24 (with some acceleration of the briefing schedule), but they are sensitive to the concerns of
25 ICNU who is a participant in both that case and this one. Scheduling the Oregon hearing
26 toward the end of the Washington GRC hearing, however, may minimize this conflict.

27 5. The Filing Parties also object to CUB's proposed schedule because it
28 contemplates that Staff and Intervenor have the final round of testimony (while CUB refers
29 to its proposed surrebuttal testimony as "All-Party," this is inaccurate because the surrebuttal
30 will be directed at the Filing Parties' rebuttal). As the parties with the burden of proof, the
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1 Filing Parties are entitled to the final responsive round of testimony in this case. *See* 860-
2 014-0035(1)(c) (order of evidence on applications ends with rebuttal by applicant). While
3 the Filing Parties are willing to forego written sur-surrebuttal and present responsive
4 testimony at the hearing, it is improper to simply eliminate the Filing Parties' last round of
5 testimony.

6 6. While the Filing Parties are willing to make significant scheduling
7 accommodations to respond to the concerns of CUB (and the other parties who have joined
8 the motion), they do not agree that the current schedule impedes development of an
9 appropriate record in this case. Indeed, in setting this schedule, the Commission indicated
10 that the schedule was designed to "serve the needs of the Commission to develop a sound
11 factual record and arguments in a timely fashion." *In re MidAmerican Energy Holdings*
12 *Company*, Ruling (August 5, 2005). In rejecting the motion that followed to change the
13 schedule, the Commission explained that, based upon lessons learned from UM 1121 and
14 other cases, it had specifically adopted a "schedule designed to be more efficient and
15 effective." *In re MidAmerican Energy Holdings Company*, Order 05-970 at 3 (August 31,
16 2005).

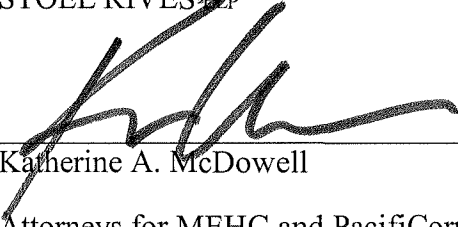
17 7. Nothing has occurred in this case that demonstrates that the current schedule
18 is inadequate. While CUB now complains that MEHC's Supplemental Testimony was
19 narrow in scope, this was always contemplated. *See id* at 2 (accepting MEHC's "assertion
20 that its Supplemental Direct Testimony will be narrow in scope.") CUB also points to Mr.
21 Abel's statement at the Commission public meeting that the MEHC Application was
22 "deficient." As Mr. Abel explained at the meeting, the only deficiency he meant to
23 acknowledge was the Filing Parties' inability to precisely predict which issues the parties to
24 this case would focus on and which they would like to see developed in greater detail. The
25 specific issue to which Mr. Abel referred at the public meeting—the rate impacts of MEHC's
26 investment commitments and whether they provide a benefit net of their costs—was

1 addressed in the Application in the testimony of Messrs. Abel and Gale. The issue raised by
2 the Commission in its questions, the anticipated duration and nature of ScottishPower's
3 continued ownership of PacifiCorp, was addressed in the testimony of Ms. Johansen. To the
4 extent that Staff and Intervenors plan to raise additional concerns about these issues in their
5 testimony, the Filing Parties will provide appropriate responsive comments.

6 For all the foregoing reasons, the Filing Parties respectfully request that the
7 Commission deny the schedule change proposed by CUB and either adhere to the present
8 schedule or modify it in a manner proposed by the Filing Parties above which still permits
9 the Commission Order in this case to issue before the end of the February 28, 2006
10 suspension period in this case.

11
12 DATED: November 7, 2005.

13 STOEL RIVES LLP

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16 Katherine A. McDowell

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document in docket UM 1209 on the following named person(s) on the date indicated below by

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- Electronic mail

to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s) at his or her last-known address(es) indicated below.

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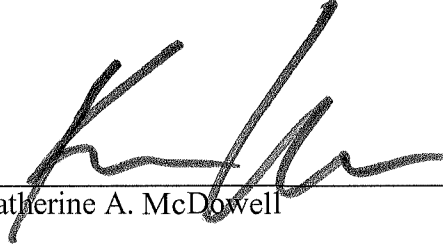
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