

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

Docket No. UM - 1209

In the matter of)
)
MIDAMERICAN ENERGY HOLDINGS CO.) **OPENING STATEMENTS OF THE**
) **KARUK TRIBE OF CALIFORNIA**
)
)
Application for Authorization to Acquire)
Pacific Power & Light, dba PacifiCorp)
_____)

OPENING STATEMENTS OF THE KARUK TRIBE

The Karuk Tribe respectfully joins in and affirms the statements filed by the Hoopa Valley Tribe in their Opening Statement and incorporates by reference the authorities and arguments set forth therein.

The Karuk People and all citizens of this earth are concerned. We are concerned that the environment has suffered immeasurably as a result of careless and wanton practices in the name of corporate business. Oregon and California have independent and joined interests in the preservation of the Klamath River basin and its integrated waterways. We as States want to pride ourselves in our participation in the successful stewardship and protection of our rivers and all the multitude of life forms dependant thereon.

Shareholders concerns cannot be deemed paramount to the concerns of the affected ratepayers, customers, water consumers, Klamath River communities or vulnerable ecological systems. For fifty years our local environment has suffered and has been at the mercy of an unfortunate and destructive long term lease contract re hydroelectric power. The incontrovertible

cost of reparation as a condition to relicensing approval should not be born by the ratepayers alone. It should be acknowledged by MidAmerican in this proceeding that substantial capital expenditures will be required and that these expenditures are anticipated by them to be necessary and reasonable costs commensurate with their right of acquisition. They can not hope to continue business as usual in terms of the operation of these hydroelectric facilities without likewise “getting their hands wet” and being committed financially to the correction of any and all necessary expenditures required to maintain the viability and safety of our waters.

California, Oregon and our Federal government would be remising in their duties by failing to insist upon financial commitment from MidAmerican as a required and necessary capital expenditure. This should be as a condition to their acquisition. Berkshire Hathaway/MidAmerican seek to acquire PacifiCorp, a corporation which comes to them encased with exposure to potential costly litigation exposure for their proportionate negligent or willful share and contribution to the overall ill health of the river and the resulting negative affect this has had upon the majority of recognized stakeholders, including the ratepayers.

This issue could not be more directly related to the issues pending and properly before this Commission. The ratepayers will be very much affected by this acquisition. The contributive share of damage caused by PacifiCorp’s past and ongoing dam operations is substantial and the anticipated cost should be calculated. Although its own independent governmental organism, the ongoing FERC relicensing proceeding is inextricably intertwined with the issues presently before and under the jurisdiction of this Commission. It would be prudent for this Commission to postpone ruling on this pending Application until after the proceedings in the relicensing forum are concluded.

If MidAmerican, as an affiliate of Berkshire Hathaway, is genuinely interested in the acquisition of PacifiCorp and are concerned, as they have many times expressed, in accomplishing what is in the best interest of their future customers; then as a matter of compliance with their own policy and procedure, their financial commitment to the restoration of and permanent discontinuation of any and all harmful operation of those dam facilities is a reasonable request to which they should be pleased to comply with and commit to.

The overall safety in the operation of the hydroelectric facilities they are interested in acquiring should be a corporate priority and of urgent interest. The degree of commitment they are financially willing to make is the interest of all ratepayers and can be evaluated economically and in a way that protects ratepayers. Certainly it can only be seen that this and no less would serve the public's best interests.

MidAmerican's/Berkshire Hathaway's interest in the acquisition of PacifiCorp comes suspiciously at a most critical time in the determination of the outcome of continued operation of the five dams subject to the pending FERC proceeding. The PacifiCorp customers in Oregon, the Tribes and the numerous public and private organizations and groups are very much interested in an equitable outcome in the relicensing proceeding. Each would like to devote full attention to insuring that full evaluation and preparation of the many ecological concerns involving the operation of the dams be thoroughly addressed in that proceeding. Concerned parties are hard pressed in resources and time to likewise express their concerns adequately in the pending and simultaneously filed Applications for Acquisition presently ongoing in both Oregon and California Public Utility Commissions. Let this Commission not dismiss the necessity and responsibility that each forum has in performing a thorough review of the impact that this acquisition and the future operation of these dams will have in the future and seek to minimize

its inevitable and consequent affect on the Oregon ratepayers and the environment in which they live. The requested acquisition by MEHC to continue operating hydropower in name of PacifiCorp will require much more financial involvement and active contribution toward eradicating and minimizing environmental concerns than in the past. This Commission must consider respective financial duties and apportionment of those costs in this proceeding.

Dated: October 14, 2005

Respectfully submitted,

BARBARA LEE NORMAN

Attorney for the Karuk Tribe

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2005, in addition to electronic service, I mailed the original and five copies of Opening Comments of Karuk Tribe with the Public Utility Commission of Oregon, via **First-Class Mail** to:

Public Utility Commission of Oregon
Capitol St., NE #215
P.O. Box 2148
Salem, OR 97308-2148 Attn: Filing Center
Email: PUC.FilingCenter@state.or.us

I further certify that on the on the 14th day of October, 2005, in addition to electronic service, I served a copy of Opening Comments of the Karuk Tribe on counsel via **E-mail** to the following addresses:

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I declare the above to be true and correct under penalty of perjury. Executed this 14th day of October, 2005, at Yreka, CA.

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