

**BEFORE THE PUBLIC UTILITY COMMISSION
STATE OF OREGON**

In the Matter of:) Docket # UM 1209
)
)
MIDAMERICAN ENERGY HOLDING COMPANY)
Application for Authorization to Acquire Pacific Power & Light, dba PacifiCorp) KARUK TRIBE’S RESPONSE TO MEHC’S OBJECTION TO INTERVENTION

ARGUMENT IN SUPPORT OF INTERVENTION

The Karuk Tribe of California hereby requests that MEHC and PacifiCorp’s Objections to Intervention in Docket # UM 1209 be denied and that the present ruling by the Commission allowing intervention remain in full force and affect. For the purpose of brevity and to avoid unnecessary repetition, it is hereby requested that the Petition to Intervene previously filed by the Karuk Tribe be included as a part of the record in this action, and be incorporated by reference in this present response.

The original intent in the development of the administrative law branch of the state judiciary was to assist in taking some of the burden off the courts and establish quasi-judicial forums whereby some of the larger public concerns could be addressed. Administrative proceedings were never intended to eliminate a public or private party’s right to appear before a tribunal to have their concerns heard and their disputes fairly resolved in the name of efficiency.

It is certain that it would be more expeditious for the Public Utilities Commissions to favor and strictly apply any codified law which supports the avoidance of lengthy hearings and the opportunity for public comment. Likewise, the granting of an Objection to Intervention would avoid lengthening the administrative process entirely. However, the goal of saving time must

not override the greater public concern and interest. The pending Objection to Intervention(s) filed by MEHC and PacifiCorp is without merit and in direct opposition to this Commission's recent ruling recognizing the Karuk Tribe as having a protected interest meriting the grant of intervention in the above matter.

As previously stated in their intervention, the Tribe's interest is economic and their "net interest" in the outcome of the pending Application for Acquisition merits inclusion as a party to these proceedings. There are many Tribal Members who are customers and utility users of PacifiCorp, but there are also non-economic interests unique to the Tribe as a whole which mandate protection and consideration.

The argument that there are ongoing FERC licensing proceedings which effectively cover all the Karuk Tribe's interests in the operation of PacifiCorp's hydroelectric plants and dams is incorrect. Participation in the FERC hearings does not preclude a party in any way from likewise becoming involved in a state administrative proceeding where the concerns and issues are parallel or overlapping. The Karuk Tribe and the other intervenors have a right to be heard in this state action. Undue limitation placed upon the right to properly intervene, results in the denial of due process. This enforces the public's growing lack of faith that there is a functional "justice system" interested in addressing their concerns and leaves the public with the impression that the interests and financial concerns of powerful and administratively successful utility companies more often than not, prevail.

MEHC and PacifiCorp argue that allowing the Intervention by the Karuk Tribe will broaden the issues and unduly burden the proceeding. There will always be the likelihood that issues will be broadened and ancillary concerns will arise if interested parties intervene in an administrative proceeding. The Public Utility Commission sits as the protectorate of the public interest and by and through their Administrative Law Judges, constitute the only forum

available which would afford meaningful participation in major decisions involving the operation and practices of large utility corporations.

It is imperative that this Commission recognize the value of the participation of the Karuk Tribe in these hearings and the contributions they will make in presenting relevant evidence and arguments essential to accomplishing full, accurate and equitable outcome for all concerned.

The intervention by the Karuk Tribe will not unduly burden or lengthen this administrative process and will lend to a fuller and more complete evaluation and understanding of the issues presented.

Respectfully submitted,

BARBARA LEE NORMAN
CSB # 106114
Attorney for the Karuk Tribe
P.O. Box 657
Yreka, CA 96097
Tel: (530) 842-9200 Ext. 128
Fax: (530) 841-5150
Email: bnorman@karuk.us

PROOF OF SERVICE

I hereby certify that I have delivered a true and accurate copy of this Response to the current Service List attached below, by U. S. mail, first class postage prepaid, on August 25, 2005, in addition to electronic email filing and notice to the email service list maintained in this docket, plus mailed the original and five (5) copies to the Oregon PUC Filing Center office (either by U.S. Express Mail or Federal Express, next day delivery) at 550 Capitol Street, NE, Suite 215, Salem, OR 97301-2551 on August 25, 2005.

Date: August 25, 2005

Barbara Lee Norman

AMERICAN RIVERS 1025 VERMONT AVE NW, SUITE 720 WASHINGTON DC 20005	NW ENERGY COALITION 219 FIRST ST STE 100 SEATTLE WA 98104
RATES & REGULATORY AFFAIRS PORTLAND GENERAL ELECTRIC RATES & REGULATORY AFFAIRS 121 SW SALMON STREET, 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com	TROUT UNLIMITED 1300 N 17TH ST, SUITE 500 ARLINGTON VA 22209
UTILITY WORKERS UNION OF AMERICA PO BOX 37 SAN CLEMENTE CA 92674-0037 uwua@redhabanero.com	JIM ABRAHAMSON -- CONFIDENTIAL COMMUNITY ACTION DIRECTORS OF OREGON 4035 12TH ST CUTOFF SE STE 110 SALEM OR 97302 jim@cado-oregon.org
DOUGLAS L ANDERSON MIDAMERICAN ENERGY HOLDINGS CO 302 S 36 ST STE 400 OMAHA NE 68131 danderson@midamerican.com	SUSAN ANDERSON CITY OF PORTLAND OFFICE OF SUSTAINABLE DEV 721 NW 9TH AVE -- SUITE 350 PORTLAND OR 97209-3447 susananderson@ci.portland.or.us
ADAM S ARMS MCKANNA BISHOP JOFFE & SULLIVAN LLP 1635 NW JOHNSON ST PORTLAND OR 97209 aarms@mbjlaw.com	CURTIS G BERKEY ALEXANDER, BERKEY, WILLIAMS & WEATHERS, LLP 2000 CENTER STREET, SUITE 308 BERKELEY CA 94704 cberkey@abwwlaw.com
MAGGIE BRILZ IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707-0070 mbrilz@idahopower.com	LOWREY R BROWN -- CONFIDENTIAL CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org

<p>JOANNE M BUTLER IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707-0070 jbutler@idahopower.com</p>	<p>D KEVIN CARLSON DEPT OF JUSTICE - GENERAL COUNSEL DIVISION 1162 COURT ST NE SALEM OR 97301-4096 d.carlson@doj.state.or.us</p>
<p>PHIL CARVER OREGON DEPARTMENT OF ENERGY 625 MARION ST NE STE 1 SALEM OR 97301-3742 philip.h.carver@state.or.us</p>	<p>RALPH CAVANAGH -- CONFIDENTIAL NATURAL RESOURCES DEFENSE COUNCIL 111 SUTTER ST FL 20 SAN FRANCISCO CA 94104 rcavanagh@nrdc.org</p>
<p>BRYAN CONWAY PO BOX 2148 SALEM OR 97309-2148 bryan.conway@state.or.us</p>	<p>JOHN CORBETT YUROK TRIBE PO BOX 1027 KLAMATH CA 95548 jcorbett@yuroktribe.nsn.us</p>
<p>JOAN COTE -- CONFIDENTIAL OREGON ENERGY COORDINATORS ASSOCIATION 2585 STATE ST NE SALEM OR 97301 cotej@mwvcaa.org</p>	<p>CHRIS CREAN MULTNOMAH COUNTY 501 SE HAWTHORNE, SUITE 500 PORTLAND OR 97214 christopher.d.crean@co.multnomah.or.us</p>
<p>MELINDA J DAVISON DAVISON VAN CLEVE PC 333 SW TAYLOR, STE. 400 PORTLAND OR 97204 mail@dvclaw.com</p>	<p>MICHAEL EARLY INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES 333 SW TAYLOR STE 400 PORTLAND OR 97204 mearly@icnu.org</p>
<p>JASON EISDORFER -- CONFIDENTIAL CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org</p>	<p>ANN L FISHER AF LEGAL & CONSULTING SERVICES 2005 SW 71ST AVE PORTLAND OR 97225-3705 energlaw@aol.com</p>
<p>JOHN R GALE IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707-0070 rgale@idahopower.com</p>	<p>BERNARDO R GARCIA UTILITY WORKERS UNION OF AMERICA 215 AVENDIA DEL MAR, SUITE M SAN CLEMENTE CA 92672 uwua@redhabanero.com</p>
<p>ANN ENGLISH GRAVATT -- CONFIDENTIAL RENEWABLE NORTHWEST PROJECT 917 SW OAK - STE 303 PORTLAND OR 97205 ann@rnp.org</p>	<p>DAVID E HAMILTON NORRIS & STEVENS 621 SW MORRISON ST STE 800 PORTLAND OR 97205-3825 davidh@norrstev.com</p>
<p>NANCY HARPER IBEW, LOCAL 125 17200 NE SACRAMENTO GRESHAM OR 97230 nancy@ibew125.com</p>	<p>JASON W JONES -- CONFIDENTIAL DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us</p>
<p>ANDREA L KELLY PACIFICORP 825 NE MULTNOMAH ST STE 800 PORTLAND OR 97232 andrea.kelly@pacificorp.com</p>	<p>BARTON L KLINE -- CONFIDENTIAL IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707-0070 bkline@idahopower.com</p>

<p>KAITLIN LOVELL -- CONFIDENTIAL TROUT UNLIMITED 213 SW ASH ST, SUITE 205 PORTLAND OR 97204 klovell@tu.org</p>	<p>KATHERINE A MCDOWELL STOEL RIVES LLP 900 SW FIFTH AVE STE 1600 PORTLAND OR 97204-1268 kamcdowell@stoel.com</p>
<p>WILLIAM MILLER IBEW, LOCAL 125 17200 NE SACRAMENTO GRESHAM OR 97230 bill@ibew125.com</p>	<p>MARK C MOENCH MIDAMERICAN ENERGY HOLDINGS CO 2755 E COTTONWOOD PARKWAY, STE 300 SALT LAKE CITY UT 84171-0400 mcmoench@midamerican.com</p>
<p>BARBARA LEE NORMAN KARUK TRIBE OF CALIFORNIA PO BOX 657 YREKA OR 96097</p>	<p>MICHAEL W ORCUTT HOOPA VALLEY TRIBE FISHERIES DEPT PO BOX 417 HOOPA CA 95546</p>
<p>JANET L PREWITT -- CONFIDENTIAL DEPARTMENT OF JUSTICE 1162 COURT ST NE SALEM OR 97301-4096 janet.prewitt@doj.state.or.us</p>	<p>LISA F RACKNER -- CONFIDENTIAL ATER WYNNE LLP 222 SW COLUMBIA ST STE 1800 PORTLAND OR 97201-6618 lfr@aterwynne.com</p>
<p>STEVE ROTHERT AMERICAN RIVERS 409 SPRING ST, SUITE D NEVADA CITY CA 95959 srothert@americanrivers.org</p>	<p>GREGORY W SAID IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707 gsaid@idahopower.com</p>
<p>THOMAS P SCHLOSSER MORISSET, SCHLOSSER, JOZWIAK & MCGAW 801 SECOND AVE, SUITE 1115 SEATTLE WA 98104-1509 t.schlosser@msaj.com</p>	<p>STEVEN WEISS NORTHWEST ENERGY COALITION 4422 OREGON TRAIL CT NE SALEM OR 97305 steve@nwenergy.org</p>
<p>JOHN W STEPHENS -- CONFIDENTIAL ESLER STEPHENS & BUCKLEY 888 SW FIFTH AVE STE 700 PORTLAND OR 97204-2021 stephens@eslerstephens.com</p>	<p>DOUGLAS C TINGEY PORTLAND GENERAL ELECTRIC 121 SW SALMON 1WTC13 PORTLAND OR 97204 doug.tingey@pgn.com</p>
<p>SANDI R. TRIPP KARUK TRIBE DEPT. OF NATURAL RESOURCES PO BOX 1016 HAPPY CAMP CA 95546</p>	<p>SARAH WALLACE -- CONFIDENTIAL ATER WYNNE LLP 222 SW COLUMBIA STE 1800 PORTLAND OR 97201-6618 sek@aterwynne.com</p>
<p>BENJAMIN WALTERS -- CONFIDENTIAL CITY OF PORTAND - OFFICE OF CITY ATTORNEY 1221 SW 4TH AVE - RM 430 PORTLAND OR 97204 bwalters@ci.portland.or.us</p>	<p>MICHAEL T WEIRICH -- CONFIDENTIAL DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 michael.weirich@state.or.us</p>

