

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1121  
UCB 13  
UE 170

In the Matters of )  
)  
OREGON ELECTRIC UTILITY COMPANY, )  
LLC, et al., )  
)  
Application for Authorization to Acquire )  
Portland General Electric Company (UM 1121); )  
)  
)  
UTILITY REFORM PROJECT, ET AL., )  
)  
Complainants, )  
)  
v. )  
)  
PORTLAND GENERAL ELECTRIC )  
COMPANY, )  
)  
Defendant (UCB 13); and )  
)  
)  
PACIFIC POWER & LIGHT (dba PacifiCorp) )  
)  
Request for a General Rate Increase in the )  
Company's Oregon Annual Revenues (UE 170).

**NOTICE OF  
EX PARTE  
COMMUNICATION**

**DISPOSITION: NOTICE OF EX PARTE COMMUNICATION**

On February 23, 2005, the Public Utility Commission of Oregon (Commission) held a public meeting to address the treatment of income taxes in utility ratemaking. The Commission held the meeting to solicit comments in preparation for discussing the issue with the Legislative Assembly.

At the beginning of the meeting, Chairman Beyer cautioned the participants that the treatment of utility taxes was at issue in dockets pending before the Commission. For that reason, he asked all participants to keep their comments general in nature and not to discuss issues specific to those cases. During the meeting, however, several participants raised specific arguments relating to the merits of an issue in these pending contested case proceedings.

Notice of the meeting was provided to the approximately 150 persons who have asked to be notified of public meetings. This list includes most parties in the pending dockets in which the treatment of taxes is an issue. A handful of those parties, however, were not notified. Accordingly, I provide notice of an ex parte communication in the above referenced dockets. Audio files of the comments made, as well as copies of the written materials provided at the public meeting, can be accessed via the Commission's website.

Ordinarily, parties may file a written rebuttal of any facts or contentions contained in an ex parte communication. *See* OAR 860-012-0015(7). Given the circumstances presented, I find good cause exists to deviate from that requirement. *See* OAR 860-011-0000(6). For reasons that follow, I adopt the following procedures for the dockets.

### **UE 170 and UCB 13**

Both of these dockets are in the relatively early stages of their respective procedural schedules. Opening testimony in UCB 13 is not due until April 2005. Opening testimony in UE 170 is not due until May 2005. Evidentiary hearings and briefing will subsequently follow. Because parties in both dockets will have numerous opportunities to present fact and argument to rebut any statement made at the February 23, 2005, Public Meeting, there is no need for parties to file written responses to those statements at this point in the proceedings.

### **UM 1121**

Unlike the prior two cases, the record in UM 1121 has been closed, and the Commission is in the process of issuing its decision in the case. Fortunately, representatives from many of the primary parties were present at the meeting and had the opportunity to respond to any statement made. Under these circumstances, the opportunity to rebut any statement made is limited to only those parties who did not receive notice of the public meeting. Any such party may file a response to any fact or contention made by Monday, February 28, 2005.

Dated at Salem, Oregon, this 24th day of February, 2005.

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Michael Grant  
Administrative Law Judge