

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**
3 **UM 1209**

4 In the Matter of

5 MIDAMERICAN ENERGY HOLDINGS
6 COMPANY

7 Application for Authorization to Acquire
8 Pacific Power & Light, dba PacifiCorp

STAFF'S NOTICE OF WITHDRAWAL OF
OBJECTIONS AND REQUEST FOR ORDER IN
CONFORMANCE WITH LETTER
AGREEMENT

9 **DISCUSSION**

10 On October 24, 2005, Public Utility Commission of Oregon Staff ("Staff") filed Staff's
11 Response In Opposition to MEHC and PacifiCorp's Revised Motion To Amend Protective Order
12 ("Response in Opposition") in these proceedings. After Staff filed its Response in Opposition, it
13 has had discussions with PacifiCorp's counsel regarding MEHC and PacifiCorp's Revised
14 Motion to Amend Protective Order ("Revised Motion").

15 As a result of Staff's discussions with PacifiCorp's counsel, PacifiCorp has provided a
16 letter (attached as Appendix A) confirming that PacifiCorp¹ will not require Staff to first inspect
17 highly confidential documents in a "safe room" before providing copies of these documents to
18 Staff. Because of this agreement, Staff withdraws its Response in Opposition and respectfully
19 requests that any ruling the Administrative Law Judge issues conform with the letter that is
20 attached as Appendix A and that provides that Staff is not required to first inspect highly
21 confidential documents in a "safe room" before providing copies to Staff.

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25 ¹ Although the letter attached as Appendix A only discusses PacifiCorp's agreement, Staff
26 understands from conversations with counsel that the agreement also applies to MEHC and
ScottishPower.

1 **CONCLUSION**

2 For the foregoing reasons, Staff respectfully requests that the Administrative Law Judge
3 issue a ruling in conformance with the letter attached as Appendix A. Staff further requests that
4 the Response in Opposition be withdrawn consistent with the agreement contained in the
5 attached Appendix A.

6 DATED this 31st day of October 2005.

7 Respectfully submitted,

8 HARDY MYERS
9 Attorney General

10 /s/Jason W. Jones
11 Jason W. Jones, #00059
12 Assistant Attorney General
13 Of Attorneys for Staff of the Public Utility
14 Commission of Oregon
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October 27, 2005

KATHERINE A. MCDOWELL
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VIA EMAIL

Michael Weirich
Department of Justice
Regulated Utilities and Business
1162 Court NE
Salem, OR 97301

Re: UM 1209

Dear Mike:

This is to confirm our agreement that, under the terms of the Amended Protective Order PacifiCorp has requested in this case, PacifiCorp will not require Staff to first inspect highly confidential documents in a "safe room" before providing copies of these documents to Staff. Based upon this agreement, I understand that Staff will withdraw its objection to MEHC's and PacifiCorp's Revised Motion to Amend Protective Order in this case.

Very truly yours,

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

Katherine A. McDowell

KAM

cc: Mark Moench
Andrea Kelly

1 **CERTIFICATE OF SERVICE**

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3 I certify that on October 31, 2005, I served the foregoing upon the parties hereto by
4 sending a true, exact and full copy by regular mail, postage prepaid or by hand delivery/shuttle
5 mail and by electronic mail to:

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Legal Secretary
Department of Justice
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