



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

November 9, 2005

Traci Kirkpatrick
Administrative Law Judge
Office of Administrative Hearings
Public Utility Commission of Oregon
PO Box 2148
Salem, OR 97308-2148

Re: UM 1129 (Compliance Filing and Phase II)
Report from Settlement Meeting held on November 1, 2005

Dear Judge Kirkpatrick:

In accordance with the schedule set in this case, the parties met on November 1, 2005 to discuss various matters related to the Phase I Compliance Filings and the Phase II Investigation. All parties present at the settlement meeting authorized me to send the following report to you (note: the parties have not reviewed this letter, so it is possible I may have incorrectly stated a matter. If so, I expect a party will immediately advise you of this).

The parties reached the following agreement as to the Phase I issues list now under your consideration:

Issue 5(b)(xiv): ODOE withdraws this issue and other parties do not plan to pursue it. ODOE's withdrawal of this issue is based upon PGE's and Idaho Power's promise to include in their standard contracts a clause specifying that QF contracts do not terminate upon the repeal of PURPA, unless such termination is mandated by federal or state law.

Issue 9(c): Staff withdraws this issue pursuant to its investigation into the matter and other parties do not plan to pursue it.

Issue 18(f): ICNU/Weyerhaeuser withdraws this issue and other parties do not plan to pursue it. Further, it is the parties' understanding that PacifiCorp determines on a systemwide basis whether it is resource-sufficient or resource deficient.

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Issue 23: ICNU/Weyerhauser withdraws this issue and other parties do not plan to pursue it. It is the parties' understanding that, at this time, PacifiCorp is resource deficient in Utah and, as such, proxy CCCT plant costs should not be based on an Oregon plant.

Further, the parties confirmed their previously submitted comments on the proposed Phase I issues list that the following issues are resolved and may be removed them from the Phase I issues list: 5(b)(viii), 26, 27, 28 and 29.

The parties also request that, as you remove the various issues, you retain the numbering as it now exists in the proposed issues list. For example, the parties ask that you simply note issue 23 has been withdrawn and continue to list issue 24 as "issue 24."

The parties also discussed adjusting the schedule in this docket. Staff attaches to this letter the modifications to the schedule that the parties jointly ask you to adopt.

Sincerely,

Michael T. Weirich
Assistant Attorney General
Regulated Utility & Business Section

cc: All parties

MTW:nal/GENO3962

**UM 1129 Parties' Agreed Upon Proposal to Change Schedule
Nov. 1, 2005**

Phase I Compliance Investigation

Nov. 21, 2005, 9:30 a.m. to noon - Settlement workshop on issue 10 (very small producers). Main Hearing Room; call-in available

Phase II Investigation

(Nov. 21 settlement workshop is no longer to discuss Phase II issues; see above)

Feb. 20, 2006 – Simultaneous direct testimony

March 3, 2006 - Parties distribute settlement proposals

March 8, 2006 - Settlement workshop (Main hearing room available)

March 24, 2006 - Rebuttal testimony due

April 18-19, 2006 - Hearing (ALJ and Main hearing room available)

1 **CERTIFICATE OF SERVICE**

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3 I certify that on November 9, 2005, I served the foregoing upon the parties hereto by
4 sending a true, exact and full copy by postage prepaid, regular mail, or hand delivery/shuttle
5 mail, and by electronic mail:

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