

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 374**

In the Matter of
PACIFICORP, dba Pacific Power
Request for a General Rate Revision

PETITION TO INTERVENE OF KLAMATH
BASIN WATER USERS PROTECTIVE
ASSOCIATION DBA KLAMATH WATER
USERS ASSOCIATION

Pursuant to ORS 756.525 and OAR 860-001-0300, Klamath Basin Water Users Protective Association, which does business as Klamath Water Users Association (KWUA) petitions the Public Utility Commission of Oregon to intervene in this proceeding with full party status. In support of this petition, KWUA represents as follows:

I. PETITIONER

Klamath Water Users Association
2312 South Sixth Street, Suite A
Klamath Falls OR 97601
Telephone: 541.883.6100
Email: assist@kwua.org

II. COUNSEL FOR PETITIONER

Paul S. Simmons, OSB 971386
Somach Simmons & Dunn, PC
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916.446.7979
Email: psimmons@somachlaw.com

III. THE ORGANIZATION

KWUA is a non-profit, mutual benefit with members, corporation, formed in 1953. Its members are predominantly irrigation districts, improvement districts, and similar water delivery agencies who are contractors with the United States of America, Bureau of Reclamation.

KWUA members divert and deliver irrigation water to approximately 175,000 acres of agricultural land in the Klamath Reclamation Project in southern Oregon and northern California, with over 100,000 acres being in Klamath County, Oregon. KWUA has 15 members.

The mission of KWUA is “to preserve and protect the viability of irrigated agriculture for our membership in the Klamath basin, for the benefit of current and future generations.” Among the reasons for KWUA’s incorporation in 1953 was the desire to ensure favorable power costs, and that objective continues to this day. KWUA was an intervenor in cases involving PacifiCorp rates in UE 170, UE 210 and UE 210, and a separate intergovernmental agency (since dissolved) consisting of KWUA members was an intervenor in UE 246.

IV. APPLICANT’S INTEREST

KWUA’s members and their patrons use electricity to move irrigation and drainage water, at three levels. First, pumping is integral to moving water on and for many individual farm and ranch operations. Second, districts incur pumping costs that are passed on to their patrons. Third, the Bureau of Reclamation incurs pumping costs that are passed on to districts and ultimately district patrons. For approximately 90 years, KWUA’s Oregon members and their patrons received power under PacifiCorp’s Schedule 33, based on special contracts executed in 1917 and 1956. The latter contract expired in 2006, and these customers were transitioned to services under Schedule 41. KWUA members and their constituents have seen their electric rates increase by roughly 2000 percent since 2006. This affects the viability of operations and the ability to move and use water efficiently.

V. ISSUES

The Summary of Requested Electric General Rate Increase sought by PacifiCorp includes a request for a net percentage increase in the cost of agricultural pumping service pursuant to

Schedule 41 of 10.0 percent. It also requests an increase in the return on equity payable to PacifiCorp to 10.2 percent. The 10.0 percent increase will have significant consequences for KWUA's members and their patrons. KWUA has begun its investigation of the justification for the increase and anticipates that it will challenge the rate and revenue increase in these proceedings. To the best of our knowledge, KWUA is the only organization seeking intervention to represent agricultural pumpers subject to Schedule 41. In addition, KWUA believes that its Oregon members occupy a very substantial percentage of all acreage that is subject to Schedule 41.

Dated this 20th day of March 2020.

/s/ Paul S. Simmons

Paul S. Simmons, OSB No. 971386
Somach Simmons & Dunn, PC
500 Capital Mall, Suite 1000
Sacramento, CA 95814
Telephone: 916.446.7979
Email: psimmons@somachlaw.com