



**Public Power Council**

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August 29, 2005

*Via Electronic and Hand Delivery*

Public Utility Commission  
Attn: Filing Center  
550 Capitol St. NE #215  
P.O. Box 2148  
Salem, OR 97308-2148

Re: In the Matter of MIDAMERICAN ENERGY HOLDINGS COMPANY  
Application for Authorization to Acquire Pacific Power & Light, dba PacifiCorp.  
**Docket No. UM 1209**

Dear Filing Center:

Enclosed please find an original and two copies each of the Petition to Intervene of Public Power Council in the above-referenced docket. Please return one file stamped copy of each document in the self-addressed, stamped envelope provided. Thank you for your assistance.

Sincerely,

/s/ Mark R. Thompson  
Mark R. Thompson

Enclosures

cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1209**

In the Matter of	)	
	)	
MIDAMERICAN ENERGY HOLDINGS	)	PETITION TO INTERVENE
COMPANY	)	OF PUBLIC POWER COUNCIL
	)	
Application for Authorization to Acquire	)	
Pacific Power & Light, dba PacifiCorp.	)	
<hr/>	)	

Pursuant to ORS § 756.525 and OAR § 860-012-0001, the Public Power Council (“PPC”) hereby petitions the Oregon Public Utility Commission (“Commission”) to grant PPC intervention in this proceeding, with full party status as described in OAR § 860-011-0035(6). In support of this petition, PPC represents as follows:

1. The contact information for PPC is:

Marilyn Showalter  
Executive Director  
Public Power Council  
1500 NE Irving, Suite 200  
Portland, Oregon 97232  
(503) 232-2427

2. The name and address of counsel representing PPC in this proceeding is:

Mark R. Thompson  
Staff Attorney  
Public Power Council  
1500 NE Irving, Suite 200  
Portland, Oregon 97232  
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[mthompson@ppcpdx.org](mailto:mthompson@ppcpdx.org)

3. PPC is a trade association of public utilities in the Northwest, which represents the interests of 115 consumer-owned utilities, located mainly in Oregon, Idaho,

Washington, and Montana. PPC represents its members in rate-setting processes, and in policy-making and legal forums related to regional transmission and power supply and conservation issues. PPC also operates as a forum for negotiations and cooperation between investor-owned utilities, including PacifiCorp, and consumer-owned utilities on issues of mutual significance, such as residential exchange benefits for PacifiCorp's residential and small-farm customers.

4. PPC has a substantial interest in the outcome of this proceeding. Many of PPC's member utilities rely on PacifiCorp's transmission services, border PacifiCorp's service territories, and cooperate and coordinate with PacifiCorp in a variety of matters. Additionally, PPC's member utilities, through their funding of the residential-exchange benefits of the Bonneville Power Administration, have a relation to PacifiCorp's residential and small-farm customers. (These benefits are implemented through tariffs filed at state utility commissions, including the OPUC.) PPC seeks to protect its members' interests, and to aid the commission in making its required determinations. PPC has been granted intervention in other similar Commission proceedings, including UM 918 (purchase of PacifiCorp by Scottish Power) and UM 814 (purchase of Portland General Electric by Enron).

5. Additionally, PPC has a substantial interest in this proceeding because it represents the interests of a significant portion of the electric ratepayers in Oregon, whose welfare the Commission will consider in this proceeding. *See* ORS § 756.040(1) (stating that the "commission shall represent the customers of any public utility . . . and the public generally in all controversies respecting rates, valuations, service and all matters of which the commission has jurisdiction") (emphasis added); *Id.* (directing that "the commission

shall make use of the jurisdiction and powers of the office to protect such customers, *and the public generally*, from unjust and unreasonable exactions and practices . . .”)

(emphasis added). The Commission has specifically found that when approving mergers under ORS § 757.511, it must “find that the proposed transaction will not impose a detriment on Oregon citizens as a whole,” in addition to its finding of a “net benefit to the utility’s customers.” *In re A Legal Standard for Approval of Mergers*, Docket UM 1011, Order No. 01-778 at 11 (Sept. 4, 2001). As a representative of the utilities that serve the electricity needs of a large portion of Oregon’s citizens, PPC has a significant interest in aiding the Commission in its determination of whether the proposed merger “will not impose a detriment on Oregon citizens as a whole.” *Id.*

5. PPC intends to raise issues of importance to consumer-owned utilities and their customers in Oregon. While PPC is not able at this time to specify all of the issues it may raise during this proceeding, PPC intends to advocate its policy views where appropriate, and to analyze the evidence presented to aid the Commission in making its required determinations. PPC advises the Commission that PPC currently does not intend to initiate independent requests for discovery or raise novel issues in this proceeding that would require extensive Commission or party resources or time. PPC thus submits that its participation in this proceeding will not “unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.” OAR 860-012-0001(f).

6. Pursuant to OAR 860-012-0001(f), PPC offers its view that PPC possesses “special knowledge or expertise” that would “assist the Commission in resolving the issues in the proceeding.” PPC has expertise in the structure of electricity provision, in electricity systems throughout the Northwest, in electricity ratemaking, and in ensuring

that electricity provision serves the public interest. PPC offers that these areas of expertise will assist the Commission in evaluating the issues presented in this proceeding, and will be offered from a unique point of view—public power (consumer-owned) utilities.

7. As set forth above, PPC has a substantial interest in this proceeding that will not be adequately represented by any other party, and may be affected by any Commission determination made in this proceeding.

WHEREFORE, PPC respectfully requests that the Commission grant its petition to intervene in this proceeding.

Dated this 29<sup>th</sup> day of August, 2005.

Respectfully submitted,

/s/ Mark R. Thompson

Mark R. Thompson

OSB #04433

Staff Attorney

Public Power Council

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2005, I hand delivered an original and one copy of the foregoing PETITION TO INTERVENE OF PUBLIC POWER COUNCIL to:

Public Utility Commission of Oregon  
Attn: Filing Center  
550 Capitol St NE #215  
PO Box 2148  
Salem OR 97308-2148

I also certify that on August 29, 2005, I caused the above-identified document to be electronically mailed to the Filing Center at [PUC.FilingCenter@state.or.us](mailto:PUC.FilingCenter@state.or.us) and to all persons who had a posted email address on the Service List below, which is maintained by the Public Utility Commission for the UM 1209 proceeding. For those persons on the Service List who were not identified as having an e-mail address, a sealed copy, with postage paid, was deposited in the U.S. mail on the same date, with the address listed on the Service List affixed.

/s/ Mark R. Thompson  
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Portland, Oregon 97232

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