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July 11, 2008

**VIA ELECTRONIC FILING & U.S. MAIL**

Oregon Public Utility Commission  
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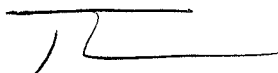
Re: In the Matter of the HONEYWELL INTERNATIONAL, INC., and  
HONEYWELL GLOBAL FINANCE, LLC, and PACIFICORP  
dba PACIFIC POWER  
**Docket No. DR 40**

Dear Filing Center:

Enclosed please find the original and one (1) copy of OREGON PEOPLE'S UTILITY DISTRICT ASSOCIATION'S REPLY BRIEF in the above-referenced docket.

Thank you for your assistance with this filing. Should you have any questions, please feel free to contact me.

Very truly yours,



Thomas M. Grim

TMG:tr  
Enclosure(s)  
cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**DR 40**

In the Matter of the	)	
	)	
HONEYWELL INTERNATIONAL, INC., and HONEYWELL GLOBAL FINANCE, LLC,	)	REPLY BRIEF OF OREGON PEOPLE’S UTILITY DISTRICT ASSOCIATION
	)	
and	)	
	)	
PACIFICORP, dba PACIFIC POWER.	)	

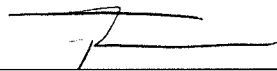
In its Opening Brief, the Oregon Public Utility Commission Staff addressed the question of whether under the assumed facts in this proceeding Honeywell would be “offering electricity services available pursuant to direct access to more than one retail electricity customer” under ORS 757.600(16). The Oregon People’s Utility District Association (“OPUDA”) urges the Commission to explicitly recognize in any order issued in this declaratory docket that the OPUC is only addressing the questions posed by Honeywell in the context of services being provided within the exclusive service territory of an investor-owned utility under OPUC jurisdiction.

By enacting ORS 757.676 the legislature has vested in consumer-owned utilities exclusive jurisdiction to determine "whether and under what conditions it will offer its retail electricity consumers direct access, portfolio access or other forms of access to electric service suppliers." ORS 757.676 makes it clear that the OPUC can not directly or indirectly determine whether a consumer-owned utility is offering direct access to its consumers. The importance of ORS 757.676 to this proceeding is that the OPUC is only deciding in this case whether investor-owned utilities providing direct access to customers must treat companies such as Honeywell under the assumed facts as electric service suppliers. The OPUC should be very clear in any

order issued that its ruling in this declaratory proceeding has no implication whatsoever to the circumstances under which consumer-owned utilities provide direct access, including whether consumer-owned utilities treat companies such as Honeywell under the assumed facts as electric service suppliers. ORS 757.676 makes it abundantly clear that consumer-owned utilities have “sole authority” over all aspects of whether and under what conditions they provide their consumers with direct access. Thus, consumer-owned utilities may permit net metering arrangements, including arrangements similar to those described in the assumed facts in this declaratory proceeding, and still not provide direct access. The legislature has vested exclusive jurisdiction over such decisions with the consumer-owned utilities so long as they are deciding for themselves and their consumers.

Dated this 11th day of July, 2008.

Respectfully submitted,



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Of Attorneys for the  
Oregon People’s Utility District Association

**CERTIFICATE OF SERVICE**

I CERTIFY that I have on this day served the foregoing document upon all parties of record in this proceeding via electronic mail and/or by mailing a copy properly addressed with first class postage prepaid.

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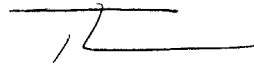
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Dated in Portland, Oregon, this 11<sup>th</sup> day of July, 2008.



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