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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

DR 10/UE 88/UM 989

In the Matters of
The Application of Portland General Electric
Company for an Investigation into Least
Cost Plan Plant Retirement, (DR 10)
Revised Tariffs Schedules for Electric
Service in Oregon Filed by Portland
General Electric Company, (UE 88)
Portland General Electric Company's
Application for an Accounting Order and for
Order Approving Tariff Sheets Implementing
Rate Reduction. (UM 989)

**IDAHO POWER COMPANY'S
OPENING COMMENTS**

The question posed by the court in *Dreyer v. PGE*, 341 Or 262, 142 P3d 1010 (2006)—as to what remedy the Public Utility Commission of Oregon (the "Commission") can provide to PGE's ratepayers for its violation of ORS 757.355—raises issues of critical importance to Oregon's utilities and their customers. Therefore Idaho Power Company ("Idaho Power") is pleased to have this opportunity to file these comments.

Idaho Power understands that the decision in *Dreyer* requires the Commission to reconsider its ability to issue refunds when one of its rate orders has been invalidated upon appeal. However, *Dreyer* does not require the Commission to abandon the fundamental ratemaking principles to which it has historically adhered. On the contrary, Idaho Power believes that the analysis contained in PacifiCorp's Opening Brief in Phase II ("PacifiCorp Brief") correctly harmonizes the *Dreyer* decision with the relevant statutory framework, and this Commission's long-standing regulatory policies. In particular, Idaho Power agrees with PacifiCorp that this Commission has no independent authority to order refunds to PGE's customers, see PacifiCorp Brief at 9-10, and can only do so upon court order after judicial review under ORS 183.486. See PacifiCorp Brief at 6. Moreover, the rule against

1 retroactive ratemaking prevents the courts from ordering such a refund unless PGE had
2 adequate notice that the rates were subject to change. See PacifiCorp Brief at 7, 9.

3 For these reasons Idaho Power urges the Commission to adopt the analysis
4 presented by PacifiCorp.

5 DATED: June 20, 2007.

6 McDOWELL & RACKNER PC

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8 Lisa F. Rackner

9 Attorneys for Idaho Power Company

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document in Dockets DR 10/UE 88/UM 989 on the following named person(s) on the date indicated below by email and first-class mail addressed to said person(s) at his or her last-known address(es) indicated below.

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