

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1209

In the Matter of	)	
	)	
MIDAMERICAN ENERGY HOLDINGS	)	RULING
COMPANY	)	
	)	
Application for Authorization to Acquire	)	
Pacific Power & Light, dba PacifiCorp.	)	

**DISPOSITION: MOTION TO COMPEL DENIED**

On November 16, 2005, Industrial Customers of Northwest Utilities (ICNU) filed a motion to compel MidAmerican Energy Holdings Company (MEHC) to reply to data requests related to whether MEHC or Berkshire Hathaway had ever considered, studied, or analyzed acquisition of the stock or assets of Portland General Electric Company (PGE). ICNU also requested expedited treatment of its motion. The request for expedited treatment is granted, particularly in light of the deadline for Intervenor Testimony on November 21, 2005.

In its motion, ICNU argued that PacifiCorp is one of two energy companies in the City of Portland; the other is PGE. "If MEHC were to acquire PacifiCorp and PGE, it would have substantial control over the two major providers of electric service in Portland and many other areas of Oregon. Such a situation is relevant to a determination as to whether MEHC's present application is in the public interest and should be approved." Motion at 3.

On November 17, 2005, MEHC responded, arguing that the Commission cannot consider the proposed purchase of PacifiCorp against the backdrop of a hypothetical purchase of PGE. See Response at 3. MEHC argues that the information sought is irrelevant to the proposed transaction under ORS 757.511, and that the motion should be denied. See *id.* at 4.

ICNU is correct: the Commission may be very interested if MEHC applied to own two utilities in Oregon. But at this time, MEHC has only applied to own one, and, as MEHC points out, an application by it to acquire PGE is hypothetical and not a sound basis to analyze the instant transaction. The documents requested by ICNU, which relate solely to PGE, are not discoverable in this docket.

The motion is denied.

Dated at Salem, Oregon, this 18th day of November, 2005.

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Christina M. Smith  
Administrative Law Judge