

ISSUED: September 16, 2009

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1449

In the Matter of

INTERNATIONAL PAPER COMPANY

Complainant,

vs.

PACIFICORP, dba PACIFIC POWER

Respondent.

RULING

DISPOSITION: MOTION FOR EXPEDITED CONSIDERATION DENIED;  
MOTION FOR CLARIFICATION GRANTED

OAR 860-029-0100(5)(a) requires a qualifying facility (QF) to wait 60 days before filing a complaint regarding the negotiation of a power purchase agreement. International Paper Company (International Paper) has filed a motion for a waiver of that rule, so that it may immediately file a complaint against PacificCorp, dba Pacific Power (Pacific Power). International Paper also seeks expedited consideration of the motion. Pacific Power opposes the request for expedited consideration, and seeks clarification of when it must answer the underlying complaint.

International Paper's motion for expedited review is denied. Under OAR 860-013-0050(2), Pacific Power is allotted 15 days to file a response to the waiver request. Although International Paper's desire for a speedy resolution of its request is understandable, it has failed to establish good cause to shorten the response period. Pacific Power's response to the motion for waiver is due Monday, September 21, 2009. International Paper may file a reply to the response by Friday, September 25, 2009 (although it may do so earlier). Once the response and reply are received, the Public Utility Commission of Oregon will expedite its review of this matter.

Pacific Power need not file a response to the underlying complaint until the motion for waiver is resolved. If the motion for waiver is granted, Pacific Power will be required to file its response within five business days.

Dated at Salem, Oregon, this 16<sup>th</sup> day of September, 2009.



Michael Grant

Chief Administrative Law Judge