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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's
Own Motion to actively promote the development of
transmission infrastructure to provide access to
renewable energy resources for California.

And Related Matter.

Investigation 08-03-010
(Filed March 13, 2008)

Rulemaking 08-03-009

OPENING BRIEF OF PACIFICORP (U 901 E)

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I. INTRODUCTION

Pursuant to Rule 13.11 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, PacifiCorp, d.b.a. Pacific Power ("PacifiCorp" or "Company"), respectfully submits this opening brief to respond to questions presented in the Scoping Memo and Ruling of Assigned Commissioner ("Scoping Memo").

As the Commission is aware, PacifiCorp is a multi-jurisdictional utility that provides electric service to approximately 1.7 million customers in six states, including California, Idaho, Oregon, Utah, Washington and Wyoming. In California, PacifiCorp serves approximately 46,500 customers in Del Norte, Modoc, Shasta and Siskiyou counties. PacifiCorp has been actively involved in the development and implementation of California's Renewables Portfolio Standard ("RPS") program and Assembly Bill 32 regulations. Since its acquisition by MidAmerican Energy Holdings Company, PacifiCorp has been adding cost-effective renewable resources to its generation portfolio. Of its 10,425 net owned megawatt ("MW") portfolio, 1,158 MW is

hydroelectric and 949 MW is wind, geothermal, and other renewables¹. PacifiCorp's 2008 Integrated Resource Plan, submitted to the Commission on May 29, 2009, targets procurement of 1,400 MW of incremental renewable resources by 2018 on a system-wide basis, if cost effective. Achieving this target would result in a projected renewable resource inventory of 2,540 MW in the projected 2018 portfolio.

PacifiCorp supports the Commission's efforts to actively promote the development of transmission infrastructure in California to provide access to renewable energy resources and to streamline the transmission permitting process. PacifiCorp is optimistic that these efforts will look holistically at the project development timeframe when exploring ways to streamline the permitting process. Importantly, this proceeding should aim to implement policies that promote concurrent development cycles for generation *and* transmission infrastructure. In some instances, the disconnect between generation and transmission development is a significant barrier to accessing renewable resources. An approach balanced between a robust public environmental process and the public interest served in accessing renewable resources is essential to ensuring efficient transmission development in years ahead. PacifiCorp sincerely appreciates the opportunity to provide comments in this proceeding.

II. RESPONSES TO QUESTIONS PRESENTED IN THE SCOPING MEMO

PacifiCorp's responses to the questions below apply to both scenarios presented in the Scoping Memo, i.e. both the current RPS framework and a future 33% RPS goal.

- (a) Under what circumstances the results of the RETI process may be used under § 399.2.5 to guarantee cost recovery, including but not limited to:**

¹ PacifiCorp's Form 10-K for the fiscal year ending December 31, 2008, p. 14.
http://www.pacificcorp.com/content/dam/pacificcorp/doc/About_Us/Financial_Information/12_31_08_PacifiCorp_10_K.pdf.

- 1) **the extent to which a RETI-identified Competitive Renewable Energy Zone should impact the ability to obtain cost recovery under § 399.2.5;**
- 2) **the extent to which the fact that a line or line segment is identified in the RETI conceptual transmission plan should impact the ability to obtain cost recovery under § 399.2.5;**

A major goal of the Renewable Energy Transmission Initiative (“RETI”) is to facilitate delivery of renewable generation not yet in the interconnection process. In pursuit of that goal, through stakeholder collaboration and thorough research, RETI identified certain Competitive Renewable Energy Zones (“CREZs”) and developed a conceptual transmission plan for delivery of renewable generation. It follows that such RETI process results may be further utilized under § 399.2.5 to guarantee cost recovery, which would also aid in the facilitation of delivery of renewable generation.

- 1) Section 399.2.5(b)(4) allows retail rate recovery of transmission cost increases that are not approved for transmission rate recovery by the Federal Energy Regulatory Commission (“FERC”) provided the Commission determines such costs were prudently incurred. PacifiCorp respectfully suggests that the RETI-identified CREZs should impact the ability to obtain cost recovery by allowing the Commission to deem any transmission cost increases directly resulting from constructing transmission facilities serving CREZs as prudently incurred and thereby recoverable, based on the research and results of the RETI process. However, while transmission cost increases associated with CREZs should be guaranteed retail rate recovery under § 399.2.5, transmission cost increases not associated with CREZs should not be

automatically deemed imprudent or unrecoverable as a result since it may be prudent for renewable generation projects to locate elsewhere.

- 2) The fact that a line or line segment is identified in the RETI conceptual transmission plan should impact the ability to obtain cost recovery under § 399.2.5 to the same extent as a RETI-identified CREZ. Specifically, PacifiCorp proposes that the Commission should deem transmission cost increases resulting from construction of a line or line segment identified in the RETI conceptual transmission plan as prudent and thereby recoverable under § 399.2.5 since the conceptual plan was designed to facilitate the delivery of renewable generation in accordance with the aggressive RPS targets. However, transmission cost increases associated with the construction of lines not identified in the RETI conceptual transmission plan should not be prohibited from retail recovery because, while inclusion in the plan indicates the line is critical to the delivery of renewable generation, such lines are not the only lines which may be beneficial to the delivery of renewable generation.

(b) Whether the Commission has the authority to issue blanket authorization for automatic recovery of certain types of costs pursuant to § 399.2.5;

The Commission has the authority to issue blanket authorization for recovery of certain types of costs pursuant to § 399.2.5. Section 399.2.5(b)(4) grants the Commission the authority to allow recovery for transmission cost increases not approved by FERC for transmission rate recovery *so long as the Commission determines the costs were prudently incurred*. Retail rate recovery of transmission cost increases therefore hinges on the Commission's determination

of whether the cost increases were prudent. Since the determination of prudence is left to the Commission's discretion, the Commission has the power to exercise its discretion by determining that certain transmission costs, such as those associated with RETI results, shall be automatically deemed prudent and, as a result, entitled to retail rate recovery under § 399.2.5(b)(4).

(c) The appropriate process and legal basis for guaranteeing cost recovery for pre-CPCN filing costs;

PacifiCorp believes that § 399.2.5 supports guaranteeing cost recovery for certain pre-CPCN filing costs since § 399.2.5(b)(4) grants the Commission the discretion to allow retail rate recovery of prudently incurred transmission costs.

Specifically, the Commission could determine that all pre-CPCN filing costs directly associated with the development of transmission facilities to deliver renewable generation are prudent in light of meeting the RPS goals and therefore should be guaranteed retail rate recovery. A guarantee of retail rate recovery of such costs would further facilitate and support the timely development of transmission infrastructure necessary to achieve the objectives identified in the RPS.

(d) The extent to which, going forward, § 399.2.5 supersedes the obligation to study demand side resources established under § 1002.3; and

Section 399.2.5(a) states that, “[n]otwithstanding any other provision in Sections 1001-1013, inclusive,” the Commission shall grant a certificate authorizing construction of new transmission facilities if the Commission finds such facilities necessary to facilitate achievement of the statutory renewable power goals. The specific reference to §§ 1001-1013 in § 399.2.5 fully supports the position that § 399.2.5 was intended to supersede the obligation to study demand side resources

set forth in § 1002.3 so long as the transmission facilities are crucial to the successful satisfaction of the State of California's renewable power goals.

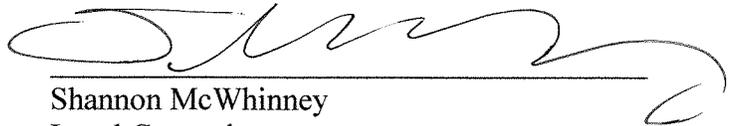
- (e) **Any other issues related to § 399.2.5 that a party believes should be the subject of briefing at this time.**

PacifiCorp does not believe any other issues related to § 399.2.5 should be the subject of briefing at this time.

III. CONCLUSION

PacifiCorp appreciates the opportunity to provide responses to the questions presented in the Scoping Memo and looks forward to collaborating with the Commission and other stakeholders in this proceeding.

Respectfully submitted this 17th day of February, 2010 at San Francisco, California.



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I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have provided via electronic mail or US Mail if an E-mail address has not been provided, a true and correct copy of the **PacifiCorp's (U 901-E) Opening Brief** to the following parties:

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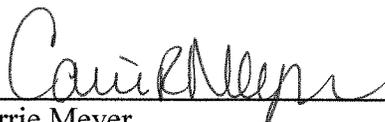
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