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BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PACIFICORP (U 901 E),)	
an Oregon Company, for an Order Authorizing)	Application 10-03-015
a Rate Increase Effective January 1, 2011, and)	(Filed March 18, 2010)
Granting Conditional Authorization to Transfer)	
Assets, Pursuant to the Klamath Hydroelectric)	
Settlement Agreement)	
_____)	

**MOTION OF
TROUT UNLIMITED, CALIFORNIA TROUT, AND AMERICAN RIVERS FOR
PARTY STATUS**

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May 12, 2010

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

In the Matter of the Application of)	
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**MOTION OF
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PARTY STATUS**

Pursuant to Rules 1.4(a)(4) and 11.1 of the Commission’s Rules of Practice and Procedure, Trout Unlimited, California Trout, and American Rivers (collectively “Conservation Groups”) hereby move to become a party in the above captioned proceeding regarding PacificCorp’s application for an order authorizing a rate increase and granting conditional authorization to transfer assets on the Klamath River.

I. BASIS FOR THE INTERVENTION

Trout Unlimited is a national coldwater fish conservation organization with over 140,000 members nationwide, including approximately 9,000 in California. It is the oldest and largest such organization in the nation. Trout Unlimited is a non-profit corporation organized under the laws of the state of Michigan, with its national office in Arlington, Virginia, and its central California office in Berkeley, California. Trout Unlimited’s mission is to conserve, protect, and restore North America’s trout and salmon fisheries and their watersheds.

California Trout is a statewide conservation organization whose purpose is to protect and restore California’s wild trout, native steelhead, and their habitats. California Trout’s main office is located in San Francisco, California with field offices in Mt. Shasta, Arcata, Mammoth Lakes, the Tahoe region, and southern California. California Trout has

approximately 7,000 members, and fifty affiliate local angling clubs representing approximately another 10,000 persons.

American Rivers is a nonprofit conservation organization, incorporated under the laws of the District of Columbia, with its principal place of business in Washington, D.C., and regional offices around the country, including in California. American Rivers' mission is to restore and protect the nation's rivers for the benefit of fish, wildlife, and people. With over 30,000 members throughout the nation, including approximately 5,000 in California, American Rivers is the nation's leading river conservation organization.

Conservation Groups each have a hydropower program that focuses on national policies affecting hydropower operations, as well as intervention in individual project proceedings to ensure adequate protection, mitigation, and enhancement of aquatic resources through hydropower licensing. Trout Unlimited, California Trout, and American Rivers have appeared before the Commission on matters related to PacifiCorp's Klamath Project in A.05-07-010 regarding Mid American Energy Holdings Company's acquisition of PacifiCorp from Scottish Power. Conservation Groups are also members of the California Hydropower Reform Coalition, and have appeared before the Commission in other proceedings, including A.99-09-095 and I.02-04-026 related to the bankruptcy reorganization of Pacific Gas and Electric Company.

Trout Unlimited, California Trout, and American Rivers have all intervened in the Federal Energy Regulatory Commission (FERC) relicensing of PacifiCorp's hydroelectric Klamath Project on the Klamath River in Oregon and California (FERC Project No. 2082). Conservation Groups and PacifiCorp have executed a contract, in the form of a settlement agreement, as the basis for the proposed resolution of the contested relicensing proceeding for PacifiCorp's Klamath Project. This settlement agreement (the Klamath Hydroelectric Settlement Agreement) establishes rights and duties and resolves disputes between the many parties. Specifically, the settlement agreement provides for the establishment and management of trust accounts and ratepayer surcharges for the purpose of facilities removal. Conservation Groups have a significant and direct legal stake in the outcome of A.10-03-015, because this proceeding focuses on an application to implement a rate increase and grant conditional authorization to transfer assets, both of which are necessary for facilities removal.

Conservation Groups intend to only raise issues consistent with the scope of this proceeding. To the extent the proposed rate increase is consistent with the Klamath Hydroelectric Settlement Agreement, Conservation Groups support it as just, fair, and reasonable as well as a prudent investment of ratepayer funds in the public interest. Further, Conservation Groups will raise their interests in the Klamath Hydroelectric Settlement Agreement, including transfer of the assets for the purpose of removal. These issues are reasonably pertinent to the issues already presented. For example, Conservation Groups are well-placed to respond to specific issues identified in the Administrative Law Judge's Ruling Setting A Prehearing Conference, including whether PacifiCorp should be authorized a surcharge, whether PacifiCorp should be authorized to transfer assets for removal, and a discussion of "the various pieces of legislation and permission from other agencies that are required by the KHSA, and who should be responsible for monitoring and reporting their progress." Ruling Setting A Prehearing Conference, at 2 (Apr. 22, 2010).

Conservation Groups will bring special expertise and a unique perspective to the proceeding as non-governmental organization signatories to the Klamath Hydroelectric Settlement Agreement and long-running participants in the underlying FERC relicensing. Granting Trout Unlimited, California Trout, and American Rivers party status will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. Conservation Groups will coordinate and file joint pleadings.

II. SERVICE AND REPRESENTATIVES

The Conservation Groups consent to email service of documents in this proceeding. All correspondence, pleadings, notices, orders and other communication in this proceeding should be addressed to the following representatives.

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Please include these contacts on the Service List for this proceeding.

All correspondence, pleadings, notices, orders and other communication in this proceeding should be addressed to the following counsel.

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Please include counsel on the Service List for this proceeding.

III. CONCLUSION

Trout Unlimited, California Trout, and American Rivers respectfully request that the Commission grant this motion for party status.

Respectfully submitted,

/s/ Charlton H. Bonham

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Attorneys for
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May 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May 2010, at Berkeley, CA, served a copy of the following ***Motion of Trout Unlimited, California Trout, and American Rivers For Party Status*** on all known parties in A.10-03-015 by serving an electronic copy on their email addresses of record and, for those parties without an email address of record, by mailing a properly addressed copy by first-class mail with postage prepaid to each party on the Commission's official service list for this proceeding.



Mary Ann King

The Service List email addresses to which this Motion has been sent are as follows:

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