

Decision 11-12-039 December 15, 2011

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

In the Matter of the Application of PacifiCorp (U901E), an Oregon Company, for an Order Authorizing a Rate Increase Effective January 1, 2011 and Granting Conditional Authorization to Transfer Assets, pursuant to the Klamath Hydroelectric Settlement Agreement.

Application 10-03-015  
(Filed March 18, 2010)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Public Utilities Code § 1701.5<sup>1</sup> provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the scoping memo sets a later date. The Commission may also, upon making a written determination that the deadline cannot be met, including findings as to the reason, issue an order extending the deadline for up to 60 days.

On May 5, 2011, we issued Decision (D.) 11-05-002, addressing PacifiCorp's request for and our adoption of, among other things: 1) institution of a surcharge to collect \$13.76 million collected over nine years; 2) institution of two trust accounts for the deposit of the surcharge; and 3) setting of the depreciation of the rate base of the Klamath River Project assets, and amortization of the relicensing and settlement costs associated with the Klamath River Project, on an accelerated basis.

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<sup>1</sup> Unless otherwise noted, all further references to sections refer to the Public Utilities Code.

We kept this proceeding open in order to address any subsequent procedural issues that may arise. In order to determine whether further procedural issues may arise, we extend the statutory deadline of Application 10-03-015 for 60 days, from December 18, 2011 to February 16, 2012.

### **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure (Rules), the Commission may reduce or waive the period for public review and comment of decisions extending the deadline for resolving issues raised in the scoping memo of a ratesetting proceeding. We waive the period for public review and comment pursuant to this rule.

### **Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Seaneen M. Wilson is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. In D.11-05-002, the Commission granted PacifiCorp authority to: establish a surcharge to fund the demolition of dams on the Klamath River; establish two trusts in which to deposit the surcharge funds; and depreciate the Klamath dams and amortize relicensing and settlement costs on an accelerated basis.

2. We kept this proceeding open in order to address any subsequent procedural issues that may arise.

### **Conclusions of Law**

1. The statutory deadline imposed by Public Utilities Code § 1701.5(a) should be extended by 60 days.

2. In accordance with Rule 14.6(c)(4), the comment period is waived.

Therefore, **IT IS ORDERED** that the statutory deadline for resolving this proceeding is extended to February 16, 2012.

This order is effective today.

Dated December 15, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners