



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

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May 24, 2011

VIA ELECTRONIC FILING & ABC LMI

David Danner
Executive Director and Secretary
Washington Utilities and Transportation Commission
PO Box 47250
1300 S. Evergreen Park Drive, SW
Olympia, WA 98504-7250

Re: *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*
Docket No. UE-100749
REC Compliance Filing

Dear Mr. Danner:

The Public Counsel Section of the Washington Attorney General's Office (Public Counsel) submits this letter regarding PacifiCorp's renewable energy credit (REC) tracking mechanism compliance filing as required by the Washington Utilities and Transportation Commission's Final Order (Order 06) in the above-captioned matter.

In the Final Order, the Commission directed PacifiCorp to file, within 60 days, information and proposal(s) related to RECs. Specifically, paragraph 206 requires PacifiCorp to file a "detailed accounting of all REC proceeds received during the period of January 1, 2009, to the most recent date for which data is available." Paragraph 208 requires PacifiCorp to file a proposal for operating of a tracking mechanism for REC revenues. Paragraph 208 gives other parties the opportunity to file alternative proposals if they do not agree with PacifiCorp "as to the details of the tracking mechanism or the allocation and reporting method(s)" proposed. Public Counsel understands that both PacifiCorp and Commission Staff intend to file proposed tracking mechanisms today.

While Public Counsel and other parties were provided preliminary, partial drafts of PacifiCorp's filings, this is the first time that Public Counsel has seen the actual, complete filings. Moreover, critical portions of these filings, such as the 2011 and 2012 forecasts, were not provided to parties until late last week. In addition, PacifiCorp was unwilling to respond to written informal discovery requests during this process, indicating that it would do so only upon direction from the Commission. At this time many of the details of the tracking mechanism remain unknown, and additional time and information is necessary to determine whether PacifiCorp's proposed tracking mechanism properly allocates RECs and REC revenue to Washington state.

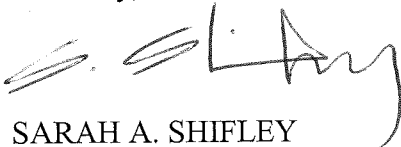
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Page 2

Thus, in light of the Commission's Final Order, which allows parties the opportunity to file alternative proposals, Public Counsel requests a reasonable opportunity to review the detailed accounting and proposed tracking mechanism filed by PacifiCorp.¹ Additionally, Public Counsel requests that the Commission allow formal discovery on these filings pursuant to WAC 480-07-400(2)(b), as the Company is currently the only party with access to critical information necessary to develop or assess an accurate tracking mechanism. Public Counsel may propose modifications to the proposed tracking mechanism, or an alternative mechanism, based on the results of its review.

Thank you for your consideration and please do not hesitate to contact me if you have any questions.

Sincerely,



SARAH A. SHIFLEY
Assistant Attorney General
Public Counsel
(206) 464-6595

SAS:cjw

cc: Service List (First Class Mail and E-mail)
Patricia Clark, ALJ (E-mail)

¹ Public Counsel makes the same request with regard to proposal(s) filed by Commission Staff or any other party.

CERTIFICATE OF SERVICE
Docket No. UE-100749

I hereby certify that a true and correct copy of Public Counsel Letter to David Danner re REC Accounting Compliance Filing were sent to each of the parties of record shown on the attached Service List in sealed envelopes, via:

Electronic Mail, First Class Mail and ABC Legal Messenger.

SERVICE LIST UE-100749

**** = Receive Highly Confidential; * = Receive Confidential; NC = Receive Non-Confidential**

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DATED: May 24, 2011.



CAROL WILLIAMS
Legal Assistant