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November 8, 2005

VIA ELECTRONIC MAIL

<records@wutc.wa.gov>

Ms. Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. UE-051090

Dear Ms. Washburn:

Enclosed for filing in the above proceeding are the original and fifteen copies of Applicants' Response to Motion for Extension of Time. An electronic copy of the filing will also be sent to the Commission's record center.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "James M. Van Nostrand", written over the typed name.

James M. Van Nostrand
Counsel for Joint Applicants MidAmerican Energy Holdings
Company and PacifiCorp

JMV:jlf

Enclosures

cc: Service List
Administrative Law Judge Dennis J. Moss

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Joint Application of)	
)	
MIDAMERICAN ENERGY HOLDINGS)	Docket No. UE-051090
COMPANY AND PACIFICORP DBA)	
PACIFIC POWER & LIGHT COMPANY)	APPLICANTS' RESPONSE TO
)	MOTION FOR EXTENSION OF TIME
For an Order Authorizing Proposed)	
Transaction)	
_____)	

1 MidAmerican Energy Holdings Company (“MEHC”) and PacifiCorp d/b/a Pacific Power & Light Company (“PacifiCorp”) (jointly “Applicants”) oppose the Motion for Extension of Time filed on November 7, 2005 by the Industrial Customers of Northwest Utilities (“ICNU”) in this proceeding. By its Motion, ICNU seeks to extend by one week (from November 14 to November 21) the due date for pre-filing of testimony by Staff, Public Counsel and intervenors. ICNU does not propose to alter any other dates in the procedural schedule, although it “would not object” to a corresponding one-week extension (from November 28 to December 5) of the due date for pre-filing of Applicants’ rebuttal testimony. (Such an extension would leave only two weeks, rather than the customary three, between the final round of testimony and the start of hearings.)

2 The applicable Commission rule, WAC 480-07-385, requires that a party seeking a continuance demonstrate “good cause” for the request. *WAC 480-07-385(2)*. Moreover, such a continuance cannot prejudice any party or the commission. *Id.* Neither requirement is met with respect to the ICNU Motion.

3 First, with respect to ICNU’s “good cause” showing, the essence of its showing is simply that it is “not ready.” (As stated in the Motion, “it is unlikely that ICNU will have its Response

testimony and exhibits prepared for filing by the November 14, 2005 due date.”) This is an insufficient ground upon which to grant the Motion. Applicants’ Direct Testimony has been on file since July 15, 2005. The procedural schedule in this proceeding has been in place since July 27, 2005. *Order No. 1, Prehearing Conference Order*. It is inexplicable that a party would be unprepared to file responsive testimony nearly 120 days after the Application and Direct Testimony were filed, and three and one-half months after the due date for the responsive testimony was established. ICNU’s Motion fails to provide any explanation for its lack of preparedness.

4 As further support for its request, ICNU notes its participation in the Oregon proceeding (Docket UM 1209), in which its responsive testimony is due on November 21, 2005 (the same due date it seeks in this proceeding by its Motion). The purpose of this reference to the Oregon proceeding is unclear; presumably the ICNU testimony would be different in Oregon than in Washington, as the statutory standards for approval in each state are different and the testimony would need to address those differences. Applicants, for their part, are prosecuting applications in six states (Utah, Idaho, Wyoming and California, in addition to Washington and Oregon), and must coordinate their filings to accommodate the schedules in all six states. The Washington schedule was established in light of the known schedules in other states, and subsequent states established their schedules by reference to the Washington schedule. ICNU’s Motion fails to acknowledge or address how its proposal affects schedules in the five other states, or Applicants’ ability to comply with those schedules under the modified schedule for Washington requested by ICNU.

5 Second, Applicants respectfully submit that they will be prejudiced if the continuance is granted. Granting the requested extension – and the corresponding one-week extension for filing

Applicants' rebuttal testimony – would result in a December 5 due date for Applicants' rebuttal testimony. Two days later – on December 7 – one of the Applicants, PacifiCorp, will be filing rebuttal testimony in its pending general rate proceeding in Washington, Docket No. UE-050864. Rebuttal testimony in that case will need to be sufficient to address recommendations from Staff and ICNU for *rate reductions*, in sharp contrast to PacifiCorp's requested \$39.2 million rate increase. The schedule in the instant docket was established with the general rate case schedule in mind, and the corresponding need to stagger the filing of parties' testimony in the two proceedings. ICNU's requested extension would virtually eliminate the staggered schedule that was carefully crafted for this docket, and would prejudice PacifiCorp's ability to respond effectively in both dockets.

6 In the event the Commission grants ICNU's request for an extension of time, Applicants respectfully request that a corresponding one-week extension – to December 5 – be granted with respect to the due date for filing Applicants' rebuttal testimony. Without such a corresponding extension, Applicants would have only one week to conduct discovery on the responsive testimony and prepare rebuttal, an unacceptably short amount of time and one that is unprecedented in Commission proceedings of this importance. Applicants should not have their preparation time slashed in half as a result of ICNU's lack of preparation. As noted above, this extension would leave only two weeks between the filing of testimony and the scheduled start of hearings on December 19.

For the above reasons, Applicants respectfully request that the Commission deny ICNU's

Motion for Extension of Time.

Dated: November 9, 2005

**MIDAMERICAN ENERGY HOLDINGS COMPANY
and PACIFICORP D/B/A PACIFIC POWER & LIGHT COMPANY**

By 

James M. Van Nostrand
Stoel Rives LLP
Joint Counsel for MEHC and PacifiCorp

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing document upon the parties of record in this proceeding by first-class mail and electronic mail, addressed to said parties/attorneys' addresses as shown below:

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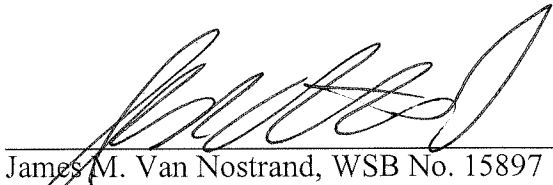
DATED: November 9, 2005.

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