

September 19, 2002

ALJ Karen Caille  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

Re: PacifiCorp, Docket No. UE-001734

Dear Judge Caille:

At the prehearing conference on September 11, 2002, the order of witnesses was established. Mr. Clemens for PacifiCorp will testify first, followed by CREA's Mr. Husted and then Commission Staff's Mr. McIntosh. No party objected to that order of witnesses.

ICNU, by its letter dated September 19, 2002, now asks that Mr. McIntosh testify first. ICNU concludes that the hearing "may be expedited and move more smoothly" if this is done.

Staff opposes ICNU's request. First, ICNU offers no explanation for its conclusion that the hearing will be expedited. Second, ICNU's request is untimely. The prehearing conference was the time for ICNU to make its proposal. ICNU failed to take that opportunity. Most importantly, PacifiCorp is the moving party in this case. It has the burden of proof in this case. The moving party should go first. Staff is entitled to hear PacifiCorp defend its direct case before Staff testifies.

Ultimately of course, the Commission can choose whatever witness order it deems appropriate, and Staff will comply. If the Commission grants ICNU's request and Mr. McIntosh testifies first, Staff requests Mr. McIntosh be allowed the opportunity to return to the stand briefly (10 minutes) to address points made by other witnesses.

Very truly yours,

DONALD T. TROTTER  
Senior Counsel

DTT:tjj  
cc: All Parties