

1 **BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION**
2 **COMMISSION**

DOCKET UE-110070

AFFIDAVIT OF
GREGORY N. DUVALL

3 PUBLIC COUNSEL AND THE
4 INDUSTRIAL CUSTOMERS OF
5 NORTHWEST UTILITIES,

6 Joint Complainants,

7 vs.

8 PACIFICORP d.b.a. PACIFIC POWER &
9 LIGHT CORP.,

10 Respondent.

11 STATE OF OREGON)
12 County of Multnomah) ss

13 I, Gregory N. Duvall, being first duly sworn on oath, depose and say:

14 1. My name is Gregory N. Duvall, my business address is 825 NE Multnomah St.,
15 Suite 600, Portland, Oregon 97232. I am employed by PacifiCorp (or the Company) and my
16 present position is Director, Long-Range Planning and Net Power Costs.

17 2. The purpose of this affidavit is to provide additional background and context for
18 the Motion to Dismiss Joint Complaint filed by the Company on February 7, 2011.

19 3. The Company's response to the Industrial Customers of Northwest Utilities'
20 (ICNU) Data Request 2.1 (ICNU 2.1) in Docket UE-0902050 (2009 GRC) consisted of a
21 spreadsheet listing and describing every contract pursuant to which PacifiCorp was either buying
22 or selling Renewable Energy Credits (RECs) since January 1, 2005, as requested by ICNU 2.1.
The spreadsheet was a working document utilized by the Company to track its REC

1 transactions. PacifiCorp treats contracts requiring regulatory approval as contingent until it has
2 received all necessary, final regulatory approvals.

3 4. When responding to ICNU 2.1, the Company never understood the request to ask
4 for the current REC sales price or the identification of all executed contracts under which the
5 Company was either buying or selling RECs.

6 5. In May, 2009, PacifiCorp entered into two new REC sales contracts with San
7 Diego Gas & Electric (SDG&E) and Southern California Edison (SCE) (California Contracts).
8 Prior to becoming effective, the California Contracts required the purchasing utilities (SDG&E
9 and SCE) to obtain approval from the California Public Utilities Commission (CPUC). The
10 SDG&E and SCE contracts were filed for approval with the CPUC on July 1, 2009, and June 5,
11 2009, respectively. The CPUC did not approve these contracts until the fall of 2009, after the
12 Settlement Stipulation was filed in the 2009 GRC.

13 6. The CPUC's review and approval process was a substantive and important step in
14 removing the contingency which would allow for finalizing the California Contracts. The
15 Company did not presume that approval of the California Contracts would be granted as a matter
16 of course or in a particular time frame.

17 7. Attached hereto as Exhibits A are ICNU data requests from the Company's 2009
18 GRC: ICNU's Tenth Set of Data Requests to PacifiCorp and the Company's response to ICNU
19 Data Request 1.48. These requests sought to use discovery from PacifiCorp cases in other states
20 in the 2009 GRC.

21 I declare under penalty of perjury under the laws of the state of Oregon that the foregoing
22 is true and correct based on my information and belief.

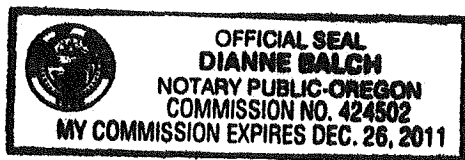
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SIGNED this 7th day of February, 2011, at Portland, Oregon.

Signed: Gregory N. Duvall

SUBSCRIBED AND SWORN to before me this 7th day of February, 2011.

Dianne Balch
Notary Public, State of Oregon
My Commission Expires 12-26-2011



Davison Van Cleve PC

Attorneys at Law

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Suite 400
333 SW Taylor
Portland, OR 97204

July 28, 2009

Via Electronic and U.S. Mail

Data Request Response Center
PacifiCorp
825 N.E. Multnomah, Ste. 800
Portland, OR 97232

Re: In the Matter of WUTC v. PacifiCorp
Docket No. UE-090205

To the Data Request Response Center:

Enclosed please find the Industrial Customers of Northwest Utilities' ("ICNU") Tenth Set of Data Requests to PacifiCorp in the above-referenced matter. Please respond to these data requests in ten business days, and provide your responses by no later than, Tuesday, August 11, 2009, to this office, with a copy to Randy Falkenberg.

For the definitions and instructions that apply to these data requests, please refer to ICNU's First Set of Data Requests to PacifiCorp, dated February 18, 2009.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Brendan E. Levenick
Brendan E. Levenick

cc: Service List

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	DOCKET NO. UE-090205
TRANSPORTATION COMMISSION,)	
)	THE INDUSTRIAL CUSTOMERS
Complainant,)	OF NORTHWEST UTILITIES'
)	TENTH SET OF DATA REQUESTS
v.)	TO PACIFICORP
)	
PACIFICORP d/b/a PACIFIC POWER &)	
LIGHT COMPANY,)	
)	
Respondent.)	
)	

Dated: July 28, 2009

Please provide the responses to these Data Requests by Tuesday, August 11, 2009, to:

Irion A. Sanger
 Davison Van Cleve, P.C.
 333 S.W. Taylor
 Suite 400
 Portland, OR 97204
 (503) 241-7242
 ias@dvclaw.com

Randall Falkenberg
 RFI Consulting
 PMB 362
 8343 Roswell Road
 Sandy Springs, GA 30350
 (770) 379-0505
 consultrfi@aol.com

DATA REQUESTS

- 10.1 Please provide copies of any and all data requests (formal or otherwise) submitted to you by any party to this proceeding and your corresponding responses to those data requests. This is an ongoing request.
- 10.2 Does the Company agree to allow ICNU to use discovery responses for the following case: Utah PSC Docket No. 09-035-23? If not, please provide a copy of the net power cost related data requests and all MDR's filed by the Company in that case.
- 10.3 Please provide a copy of all documents and workpapers used to create the information shown in the 2010 Test Year NPC workbook, tab Hermiston.
- 10.4 Please provide any corrections, and documents supporting any corrections or other changes to the Hermiston fuel costs figures used in the NPC workbook for the 2010 Test Year, tab Hermiston.

UE-090205/PacifiCorp
March 4, 2009
ICNU Data Request 1.48

ICNU Data Request 1.48

Please provide all CCS, WIEC and ICNU discovery and data responses related to Net Power Cost issues produced by the Company in current and recent cases in Wyoming, Oregon and Utah. Alternatively, does the Company agree to allow ICNU to use such information in this docket in Mr. Falkenberg's possession, subject to appropriate confidentiality treatment and reservation of the Company's right to object on the basis of relevance?

Response to ICNU Data Request 1.48

ICNU may use the Company's responses in Mr. Falkenberg's possession, related to net power cost issues, and which were provided to:-

Utah

- Utah Committee of Consumer Services (CCS) in the following current and prior cases in Utah,
 - Utah Docket: 08-035-38 (2008 general rate case)
 - Utah Docket: 07-035-93 (2007 general rate case)

Wyoming

- Wyoming Industrial Energy Consumers (WIEC) in recent and prior cases in Wyoming,
 - Wyoming Docket: 20000-341-EP-09 (2009 power cost adjustment mechanism case)
 - Wyoming Docket: 20000-333-ER-08 (2008 general rate case)
 - Wyoming Docket: 20000-315-ER-08 (2008 power cost adjustment mechanism case)
 - Wyoming Docket: 20000-277-ER-07 (2007 general rate case)

Oregon

- Industrial Customers of Northwest Utilities (ICNU) in recent and prior cases in Oregon,
 - Oregon Docket: UE 179 (2007 general rate case)
 - Oregon Docket: UE 199 (2008 transition adjustment mechanism case)
 - Oregon Docket: UE 191 (2007 transition adjustment mechanism case)

The Company reserves the right to assert evidentiary objections regarding the use of such materials in this docket.

To use discovery requests and responses from cases other than those listed, please make a request specifying the particular docket numbers of interest.

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ICNU Data Request 1.48

Use of the Company's confidential data provided in the above-referenced proceedings will be subject to maintaining the confidentiality of such data on the terms and conditions of protective orders and confidentiality agreements in those proceedings. The use of confidential responses from other proceedings is also subject to the terms and conditions of the protective order in this docket.

PREPARER: Cathie Allen

SPONSOR: N/A