

December 13, 2016

***VIA ELECTRONIC FILING***

***AND OVERNIGHT DELIVERY***

Steven V. King  
Executive Director and Secretary

Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504‑7250

**RE: Docket No. UE-16\_\_\_\_—Affiliated Interest Filing—PacifiCorp and BNSF Railway Company Transactions**

Under the provisions of RCW 80.16.020 and in accordance with WAC 480-100-245, Pacific Power & Light Company (Pacific Power or Company), a division of PacifiCorp, provides notice of ongoing ordinary course affiliated interest transactions from time to time with BNSF Railway Company (BNSF). Pacific Power respectfully requests that the Commission consider this notice a blanket notice of ongoing license transactions, and allow Pacific Power to not file a notice for each individual, ordinary course of business transactions with BNSF going forward.

PacifiCorp is a wholly-owned indirect subsidiary of Berkshire Hathaway Energy Company (BHE). BHE is a subsidiary of Berkshire Hathaway, Inc. BNSF is also a subsidiary of Berkshire Hathaway, Inc. RCW 80.16.010 includes in its definition of “affiliated interest,” “every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities.” Therefore, Berkshire Hathaway, Inc.’s ownership interest in BHE and BNSF creates an affiliated interest relationship between PacifiCorp and BNSF.

In the ordinary course of business, the Company is often required to obtain crossing license agreements from BNSF for Company facilities that require crossing BNSF property (Licenses). Instances of such Licenses are included as Attachments with this Notice. Attachment A includes a verified copy of the License for Electric Supply Line Across or Along Railway Property, Tracking #16-55721 and Attachment B includes a verified copy of the License for Electric Supply Line Across or Along Railway Property, Tracking #16-55722 (Attachments). Attachment A allows the Company to install a fiber optic line, above or below ground, crossing tracks and railroad property in Klamath Falls, Oregon. Attachment B allows the Company to install two transmission lines and one distribution line crossing tracks in Klamath Falls, Oregon.

BNSF uses standardized pricing for these types of Licenses. The fees are set by BNSF and are non-negotiable. The current fees charged by BNSF for these types of Licenses include the following: (i) an application processing fee of $775.00; (ii) a permit fee starting at $3,600[[1]](#footnote-1) (iii) a protective liability insurance policy fee of $460.00; and (iv) a contractor fee for flaggers of $800/day BNSF also uses standardized documentation for these types of Licenses with non-negotiable terms and conditions.

Obtaining the Licenses is in the public interest because it allows Pacific Power to install and maintain facilities necessary to provide electric service and to meet its obligation to provide safe and reliable electric service. Without the Licenses, Pacific Power would not be able to meet its obligation to provide electric service, because the property owner, BNSF is the only entity that can provide the Licenses to Pacific Power.

Also included with this filing are notarized verifications from Jeff Erb, Assistant General Counsel, regarding the Attachments.

It is respectfully requested that all formal correspondence and Staff requests regarding this material be addressed to:

By E-Mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

By regular mail: Data Request Response Center

PacifiCorp

825 NE Multnomah Street, Suite 2000

Portland, Oregon, 97232

Please contact Ariel Son, Regulatory Projects Manager, at 503-813-5410 if you have any informal questions.

Sincerely,



R. Bryce Dalley

Vice President, Regulation

Enclosure

**WASHINGTON AFFILIATED INTEREST FILING**

**ATTACHMENT A**

**LICENSE FOR ELECTRIC SUPPLY LINE ACROSS**

**OR ALONG RAILWAY PROPERTY #16-55721**

**WASHINGTON AFFILIATED INTEREST FILING**

**VERIFICATION**

**VERIFICATION**

I, Jeffery B. Erb, am Assistant General Counsel of PacifiCorp and am authorized to make this verification on its behalf. Based on my personal knowledge about the attached License For Electric Supply Line Across or Along Railway Property #16-55721, I verify that it is a true and accurate copy of the original.

I declare upon the penalty of perjury, that the foregoing is true and correct.

Executed on \_\_\_\_\_\_\_\_\_\_\_ \_\_, 2016 at Portland, Oregon.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffery B. Erb

Assistant General Counsel

PacifiCorp

Subscribed and sworn to me on this \_\_\_ day of December, 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for Oregon

My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WASHINGTON AFFILIATED INTEREST FILING**

**ATTACHMENT B**

**LICENSE FOR ELECTRIC SUPPLY LINE ACROSS**

**OR ALONG RAILWAY PROPERTY #16-55722**

**WASHINGTON AFFILIATED INTEREST FILING**

**VERIFICATION**

**VERIFICATION**

I, Jeffery B. Erb, am Assistant General Counsel of PacifiCorp and am authorized to make this verification on its behalf. Based on my personal knowledge about the attached License For Electric Supply Line Across or Along Railway Property #16-55722, I verify that it is a true and accurate copy of the original.

I declare upon the penalty of perjury, that the foregoing is true and correct.

Executed on \_\_\_\_\_\_\_\_\_\_\_ \_\_, 2016 at Portland, Oregon.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffery B. Erb

Assistant General Counsel

PacifiCorp

Subscribed and sworn to me on this \_\_\_ day of December, 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for Oregon

My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Current permit fees are $3,600 for areas less than 200’. For anything over 200’ BNSF charges the Company a price per square foot based on comparable land values in the area. This price is non-negotiable. [↑](#footnote-ref-1)