



Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

April 15, 2004

RECEIVED
RECORDS MANAGEMENT
04 APR 15 AM 11:47
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *In the Matter of PacifiCorp d/b/a Pacific Power and Light Company*
Docket No. UE-031311

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket are the original and 10 copies of the Settlement Stipulation and Certificate of Service.

Because the Settlement Stipulation is intended to resolve all issues in this docket, Commission Staff is not filing a separate statement of position as requested in the Commission's Notice of Prehearing Conference.

Very truly yours,

DONALD T. TROTTER
Senior Counsel

Enclosures
cc: Parties



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

PACIFICORP d/b/a PACIFIC POWER
AND LIGHT COMPANY

DOCKET NO. UE-031311

SETTLEMENT STIPULATION

RECEIVED
RECORDS MANAGEMENT
04 APR 15 AM 11:47
STATE OF WASH
UTIL AND TRANSP
COMMISSION

1 The Commission Staff and PacifiCorp (“The Parties”) have agreed on a way to resolve the issues in this docket in a mutually satisfactory manner, without hearing. The Parties agree this Settlement Stipulation is in the public interest and resolves all issues that are necessary to resolve in this docket. The Parties understand this Settlement Stipulation is subject to Commission approval.

2 The agreed resolution is described in Items 1-3 as follows:

3 1. PacifiCorp will revise the first paragraph of its proposed Request for Proposals (RFP) submitted to the Commission on September 25, 2003 to read as follows:

“PacifiCorp has identified a resource block of zero megawatts for this Request for Proposals (“RFP”). The express goal of this RFP is to meet PacifiCorp’s obligations under Chapter 480-107 WAC. This process is intended to support the Commission’s ongoing assessment of the cost and availability of resources to PacifiCorp. PacifiCorp will evaluate all

resources offered under this bidding rule.”

Time periods for review of the proposed RFP will be deemed satisfied based on Staff’s review of the September 25, 2003 filing. The Commission’s Order accepting this Settlement Stipulation shall constitute Commission approval of the RFP for purposes of WAC 480-107-060(2)(b). On or before 30 days after the Commission’s Order accepting this Settlement Stipulation, PacifiCorp shall issue the RFP and begin the solicitation process.

4 2. Staff agrees that for purposes of this docket, the amendment of the proposed RFP as set forth in paragraph 1 satisfies the concerns raised in its December 10, 2003 memorandum in this docket.

5 3. PacifiCorp previously indicated its intention to provide Commission Staff with the same type of information as the rules require, whether or not the Company is proceeding under the Commission’s competitive bidding rules. To fulfill that commitment, the Company will file with the Commission a copy of each RFP issued by the Company. PacifiCorp will direct the information to the Director of Regulatory Services (currently Ms. Linnenbrink). In lieu of filing copies of each RFP, the Company may advise Staff of the link to the Company’s website where such materials may be found and downloaded. Following completion of each RFP, the Company shall file with Commission Staff a public document which summarizes the process and results of

such RFP. Additional documents may be reviewed by the Commission pursuant to a reasonable request to review them, or such documents may be submitted by the Company on a confidential basis in response to reasonable requests from the Commission for further information regarding specific bids or bid analyses. PacifiCorp agrees to maintain, for a period of five years, the following documents related to its RFPs: 1) the RFPs (including bid evaluation criteria); 2) the bids received in response to the RFPs; and 3) PacifiCorp's analysis of the bids. This Item 3 applies to RFPs issued by PacifiCorp on or after January 24, 2003.

6 Binding on Parties: The Parties agree to support the terms of the Settlement Stipulation as described herein. The Parties understand that this Settlement Stipulation is subject to Commission approval. The Parties agree that this Settlement Stipulation represents a compromise in the positions of the Parties. As such, conduct, statements and documents disclosed in the negotiation of this Settlement Stipulation shall not be admissible as evidence in this or any other proceeding.

7 Integrated Terms of Settlement: The Parties have negotiated this Settlement Stipulation as an integrated document. Accordingly, the Parties recommend that the Commission adopt this Settlement Stipulation in its entirety. Each Party has participated in the drafting of this Settlement Stipulation, so it should not be construed in favor of, or against, any particular Party.

8 Procedure: The Parties shall cooperate in submitting this Settlement Stipulation promptly to the Commission for acceptance. If necessary, and each Party shall make a witness available to testify in support of this Settlement Stipulation. The Parties agree to cooperate, in good faith, in the development of such other information as may be necessary to support and explain the basis of this Settlement Stipulation and to supplement the record accordingly. The Parties agree the remaining procedural schedule in the docket may be suspended, and jointly request that the Commission so order.

7 If the Commission rejects all or any material portion of this Settlement Stipulation, or adds additional material conditions, each Party reserves the right, upon written notice to the Commission and all Parties to this proceeding within seven (7) days of the date of the Commission's Order, to withdraw from the Settlement Stipulation. If any Party exercises its right of withdrawal, this Settlement Stipulation shall be void and of no effect, and the Parties will support a joint motion to reinstate an expedited procedural schedule for those dates specifically suspended by the Commission pursuant to the above request.

8 No Precedent: The Parties enter into this Settlement Stipulation to avoid further expense, uncertainty, and delay. By executing this Settlement Stipulation, no Party shall be deemed to have accepted or consented to the facts, principles, methods or theories

employed in arriving at the Settlement Stipulation, and except to the extent expressly set forth in the Settlement Stipulation, no Party shall be deemed to have agreed that such a Settlement Stipulation is appropriate for resolving any issues in any other proceeding.

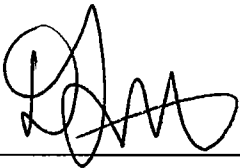
9 Execution: This Settlement Stipulation may be executed by the Parties in several counterparts and as executed shall constitute one agreement.

9 Accordingly, the Commission Staff and PacifiCorp request the Commission accept the foregoing Settlement Stipulation and issue an order concluding this proceeding on that basis.

DATED this 15th day of April, 2004.

CHRISTINE O. GREGOIRE
Attorney General

PACIFICORP, d/b/a PACIFIC POWER
AND LIGHT CO.



DONALD T. TROTTER
Senior Counsel
Washington Utilities and
Transportation Commission
(360) 664-1189

see next page

JAMES VAN NOSTRAND
JUSTIN R. BOOSE
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101-3197

employed in arriving at the Settlement Stipulation, and except to the extent expressly set forth in the Settlement Stipulation, no Party shall be deemed to have agreed that such a Settlement Stipulation is appropriate for resolving any issues in any other proceeding.

9 Execution: This Settlement Stipulation may be executed by the Parties in several counterparts and as executed shall constitute one agreement.

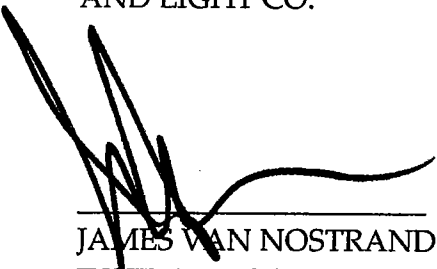
9 Accordingly, the Commission Staff and PacifiCorp request the Commission accept the foregoing Settlement Stipulation and issue an order concluding this proceeding on that basis.

DATED this 15th day of April, 2004.

CHRISTINE O. GREGOIRE
Attorney General

PACIFICORP, d/b/a PACIFIC POWER
AND LIGHT CO.

DONALD T. TROTTER
Senior Counsel
Washington Utilities and
Transportation Commission
(360) 664-1189

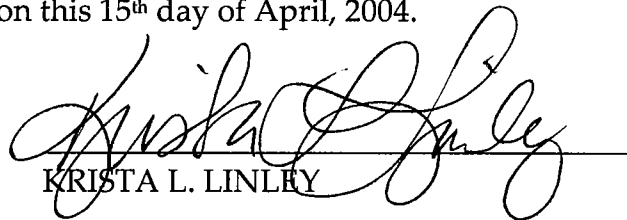


JAMES VAN NOSTRAND
JUSTIN R. BOOSE
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101-3197

Docket No. UE-031311
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 15th day of April, 2004.


KRISTA L. LINLEY

James M. Van Nostrand
Justin R. Boose
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101-3197
(206) 386-7665