

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

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS  
OF LAWS, RULES AND REGULATIONS

PACIFICORP, d/b/a PACIFIC	)	PENALTY ASSESSMENT:
POWER AND LIGHT COMPANY	)	DOCKET NO. UE-031942
	)	
	)	ORDER NO. 01
	)	
	)	PENALTY AMOUNT: \$11,300
	)	
.....	)	

- 1 The Washington Utilities and Transportation Commission (Commission) has information on which it believes that you have committed one or more violations of Commission rules. Based on this information, the Commission hereby notifies you that it has assessed penalties upon you in the amount shown above under the provisions of Title 80, RCW, specifically RCW 80.04.405, and the rules and regulations of the Commission. The violations that are the basis for this penalty assessment are described as follows:
  
- 2 PacifiCorp, d/b/a PacifiCorp Power and Light Company (PacifiCorp or Company) filed its Least Cost Plan (LCP) on January 24, 2003. Pursuant to Chapter 480-107-060(2)(a) WAC, the Company should have filed a draft Request for Proposal (RFP) on April 23, 2003. On August 14, 2003, the Company submitted a petition that included what appears to be a “request for exception” of the draft RFP filing requirements and/or a draft RFP. PacifiCorp filed a subsequent draft RFP on September 25, 2003. Consequently, this filing was not timely. Therefore, the Company violated the Commission’s rule on timing of filing an RFP following submission of LCP.
  
- 3 RCW 80.04.405 provides for a penalty of up to \$100 per violation to be assessed against every public service company who violates or who procures, aids, or abets in the violation of any order, rule, regulation, or decision of the

Commission. Each and every violation, whether by act of commission or omission, is a distinct offense. Thus, PacifiCorp is subject to penalties pursuant to RCW 80.04.405. PacifiCorp did not comply with the timing of the filing requirement of an RFP following the submission of its LCP. Thus, the Company is in violation of WAC 480-107-060(2)(a) for 113 days, from April 23, 2003 to August 14, 2003.

4 PacifiCorp is assessed a penalty in the amount of \$11,300.

5 Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 80.04.405 provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

6 If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

7 Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this 26th day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner