

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of PACIFICORP (U 901 E), an Oregon Company, for an Order Authorizing a Rate Increase Effective January 1, 2011 and Granting Conditional Authorization to Transfer Assets, pursuant to the Klamath Hydroelectric Settlement Agreement.

Application No. 10-03-015
(Filed March 18, 2010)

**PETITION OF PACIFICORP (U901E) FOR MODIFICATION OF DECISION 11-05-002
AND EXPEDITED REQUEST FOR CONSIDERATION**

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Date: January 13, 2012

Attorneys for PacifiCorp

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I. INTRODUCTION

Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission or CPUC), PacifiCorp d.b.a. Pacific Power respectfully requests the Commission, through this Petition for Modification (Petition), revise the Commission's Decision (D.)11-05-002 (issued May 6, 2011), with respect to the authorized surcharge PacifiCorp may collect pursuant to the Klamath Hydroelectric Settlement Agreement (KHSA). This Petition is timely filed and served consistent with Rule 16.4(d). Expedited consideration of this petition is also requested as discussed herein.

II. JUSTIFICATION

In its Application in this proceeding, PacifiCorp requested that the Commission approve its request to institute a surcharge to collect a total of \$13.76 million over nine years from its California customers in order to fund the removal of four PacifiCorp dams located on the Klamath River (Project) to be remitted into two trust accounts to be created by the Commission;

accelerate depreciation of the rate base associated with the Project; and transfer the Project and related lands to an entity designated to remove the dams.

Decision (D.)11-05-002 authorized PacifiCorp to institute a surcharge in order to collect \$13.76 million over nine years from its California customers in order to fund the removal of the Project.¹ The Commission found that it was “essential that the surcharge”² be collected over nine years, not to exceed the 2% limit of the authorized annual revenue requirement as of January 1, 2010, in order to support the anticipated KHSA removal start date, and to accrue sufficient interest to make up the difference between the surcharge collected from California customers (\$13.76 million) and the amount allocated to PacifiCorp’s California customers by the KHSA (\$16.0 million). The Commission recognized that by collecting the surcharge over nine years, there is time for interest to accrue on the amount collected which is intended to allow California customers to pay less in rates.³

On June 6, 2011, in compliance with D.11-05-002, PacifiCorp filed Advice Letter 444-E to implement the Klamath Dam Removal Surcharge in rates. The Commission approved Advice Letter 444-E effective July 6, 2011. However, D.11-05-002 also ordered PacifiCorp to wait until the trust accounts were established before collecting the surcharge.⁴ On January 3, 2012, the Commission formally notified PacifiCorp that the trust accounts had been established and on January 10, 2012, PacifiCorp began collecting the surcharge. As a result of the passage of time between the issuance of D.11-05-002 and the creation of the trust accounts, eight months of potential surcharge collection have been lost. Moreover, the current surcharge rate was calculated assuming an effective date of January 1, 2011. As such, PacifiCorp calculates that the

¹ D.11-05-002, pp. 2, 37.

² D.11-05-002, p. 14.

³ D.11-05-002, pp.15, 32.

⁴ D.11-05-002, Ordering paragraph (OP) 3.

current surcharge rate will be insufficient to collect \$13.76 million by December 31, 2019 as required in the KHSA. Specifically, PacifiCorp estimates a total deficit in collections from customers of \$1.57 million if the authorized surcharge rate is not increased. The requested increase in the surcharge rate is necessary so as to permit collection of the \$13.76 million during the time remaining through December 31, 2019.⁵ Included with this Petition is the Declaration of Mr. William R. Griffith, Director, Pricing, Cost of Service, and Regulatory Operations (Griffith Declaration). Attachment B to the Griffith Declaration provides a calculation of the potential estimated shortfall if the surcharge rate remains at its current level. While interest earned on the trust accounts will impact the amount of funds available for dam removal, the amount of interest earned does not impact the total amount to be collected from customers of \$13.76 million.

D.11-05-002 recognizes that the Klamath surcharge rate may be revised and provides that a change in the surcharge rate must be requested through an application, with notice to all parties of record in the proceeding.⁶ After discussion with the Commission's Legal Division, PacifiCorp believes the appropriate solution is to file this Petition to obtain authority to modify the surcharge rate.

For purposes of this filing, PacifiCorp is requesting authorization to adjust the surcharge rate so that it is designed to collect \$13.76 million through December 31, 2019 as authorized by the Commission in D.11-05-002. Specifically, PacifiCorp requests an adjustment to the surcharge rate be applied to all rate schedules effective April 1, 2012. For residential services, the surcharge rate will be increased from 0.179 to 0.202 cents per kilowatt hour (kWh).⁷

⁵ See Attachment B to the Griffith Declaration.

⁶ D.11-05-002, OPs 6, 7.

⁷ See Attachments C and D to the Griffith Declaration, including proposed surcharges for Residential, Commercial & Industrial and Lighting customers.

Attachment C to the Griffith Declaration provides the calculation to derive the necessary increase to the current surcharge rate with an effective date of April 1, 2012 that is designed to collect \$13.76 million from California customers by December 31, 2019 as required in the KHSA. Attachment D to the Griffith Declaration provides calculations with respect to the increase to the surcharge rate and a comparison of the present surcharge rates to the proposed surcharge rates for residential, commercial & industrial and lighting customers. PacifiCorp calculates that the surcharge rate revision will increase the bill of an average residential customer using 900 kilowatt-hours per month by approximately \$0.21 per month. The increase in the surcharge rate will result in the \$13.76 million being collected equally over a period of less than 8 years (93 months), which will result in an annual collection rate of approximately \$1.7 million per year over the nearly 8-year period.⁸ The surcharge rate may need to be adjusted in the future to reflect variations in collections due to changes in kWh usage or for other factors. PacifiCorp will monitor collections against the target revenues and propose adjustments as necessary. Additionally, the KHSA requires that the surcharge not exceed 2 percent of the revenue requirement set by the Commission for PacifiCorp as of January 1, 2010. PacifiCorp has compared the annual surcharge collections at the proposed surcharge rate against its revenue requirement in California as of January 1, 2010 and confirmed that the annual surcharge collections do not exceed 2 percent.⁹ This comparison is demonstrated in Attachment C to the Griffith Declaration. Accordingly, the proposed rate surcharge is consistent with the terms of the KHSA.

Also included with this Petition is Attachment E to the Griffith Declaration, which demonstrates the impact of the surcharge rate increase by rate schedule. The overall impact on

⁸ See Attachment C to the Griffith Declaration.

⁹ See Attachment C to the Griffith Declaration.

customers of this proposed rate change is an increase of 0.2 percent from present rates which include the currently effective surcharge rate.

III. PROPOSED MODIFICATION

As relevant to this Petition, Ordering Paragraph 1 of D.11-05-002 provides:

1. Pursuant to the Klamath Hydroelectric Settlement Agreement, PacifiCorp is authorized to institute a Klamath surcharge, to collect \$13.76 million over nine years from its California customers.

PacifiCorp requests modification of Ordering Paragraph 1 of D.11-05-002 as follows:

1. Pursuant to the Klamath Hydroelectric Settlement Agreement, PacifiCorp is authorized to institute a Klamath surcharge, to collect \$13.76 million over ~~nine years~~ a period of less than eight years or approximately 93 months from its California customers.

Included with this Petition as Attachment A to the Griffith Declaration, is a copy of PacifiCorp's revised tariff that is being filed herewith to increase the surcharge rate if this petition is granted. Upon the granting of this Petition, and the approval of the new surcharge rate, PacifiCorp requests that the Commission authorize PacifiCorp to file the proposed revised tariff as a Tier I advice letter compliance filing.

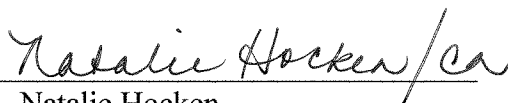
IV. REQUEST FOR EXPEDITED CONSIDERATION

Given the delay in establishment of the trust accounts, timely ruling on this Petition is necessary to ensuring sufficient collection to meet the anticipated KHSA removal start date. Therefore, PacifiCorp respectfully requests that the Commission accord expedited consideration to this Petition in order that the revised surcharge rate takes effect by April 1, 2012.

V. CONCLUSION

PacifiCorp respectfully requests that the Commission modify Ordering Paragraph 1 of D.11-05-002 as shown in Section III herein. PacifiCorp also requests that the Commission accord expedited consideration to this Petition to allow that the revised surcharge rate to take effect by April 1, 2012. PacifiCorp further requests that the attached revised tariff increasing the Klamath surcharge rate be approved as a Tier 1 advice letter compliance filing upon the approval of this Petition so that PacifiCorp may begin collecting the increased surcharge rate in a timely manner and thereby allow PacifiCorp's California customers to fulfill the requirements of the KHSA.

Respectfully submitted this January 13, 2012 at San Francisco, California.

By 
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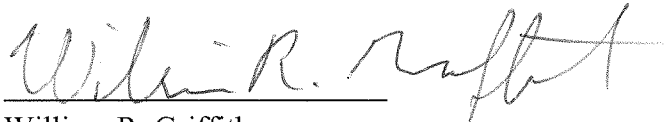
DECLARATION OF WILLIAM R. GRIFFITH

I, William R. Griffith, declare and state:

1. On January 13, 2012, PacifiCorp, d.b.a. Pacific Power ("PacifiCorp") provided calculations in support of its Petition for Modification of D.11-05-002 Approving a Rate Increase for PacifiCorp Pursuant to the Klamath Hydroelectric Settlement Agreement. I sponsor Attachments A, B, C, D, and E addressing PacifiCorp's proposed surcharge rate and revised tariff.
2. To the extent that the material I sponsored is factual in nature, I believe it to be true and correct.
3. To the extent that the material I sponsored is in the nature of opinion or judgment, it represents my best judgment.
4. I have personal knowledge of the facts and representations made in the portions of the Petition for Modification sponsored by myself and if called upon to testify, could and would do so.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Executed on January 13, 2012, at Portland, Oregon.



William R. Griffith
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ATTACHMENT A

REVISED TARIFF

SCHEDULE S-199

KLAMATH DAM REMOVAL SURCHARGE

PURPOSE:

To collect a surcharge for funding costs of removing Klamath River dams and to implement provisions of the Klamath Hydroelectric Settlement Agreement executed February 18, 2010.

APPLICABILITY:

This surcharge applies to all electric sales rendered under all tariff schedules authorized by the Commission, with the exception of interdepartmental sales or transfers and sales to electric public utilities.

TERRITORY:

Within the entire territory served in California by the Utility.

MONTHLY BILLING:

The monthly billing shall be an amount equal to the product of all kilowatt-hours of use multiplied by the applicable following cents per kilowatt-hour.

Schedule D	0.202 cents	(I)
Schedule DL-6	0.202 cents	
Schedule DS-8	0.202 cents	
Schedule DM-9	0.202 cents	
Schedule A-25	0.279 cents	
Schedule A-32	0.251 cents	
Schedule A-36	0.211 cents	
Schedule AT-48	0.165 cents	
Schedule LS-51	0.417 cents	
Schedule LS-52	1.442 cents	
Schedule LS-53	0.218 cents	
Schedule LS-58	0.247 cents	
Schedule OL-15	0.365 cents	
Schedule OL-42	0.282 cents	
Schedule PA-20	0.216 cents	(I)

(Continued)

Issued by

Advice Letter No. _____ Andrea L. Kelly Date Filed _____

Name

Decision No. _____ VP, Regulation Effective _____

Title

ATTACHMENT B

CALCULATION OF ESTIMATED COLLECTION SHORTFALL

Pacific Power
State of California
Klamath Dam Removal Surcharge Rate - Revised
Calculation of Estimated Collection Shortfall

Line No.		
(1)	Current surcharge annual collection rate	\$1,528,889
(2)	Daily collection rate	\$4,186 (1) /365.25 days
(3)	Initial surcharge effective date	1/10/2012
(4)	Surcharge end date	12/31/2019
(5)	Total days of collection	2,912 (4)-(3)
(6)	Total collection at current rate	\$12,189,252 (2)*(5)
(7)	Target total California collection amount	\$13,760,000
(8)	Estimated Collection Shortfall at Current Rate	\$1,570,748 (7)-(6)

ATTACHMENT C

**TARGET ANNUAL SURCHARGE RATE AND TEST OF
SURCHARGE RATE IMPACT**

Pacific Power
State of California
Klamath Dam Removal Surcharge Rate - Revised
Target Annual Surcharge Rate and Test of Surcharge Rate Impact

Target Revised Annual Surcharge Rate			
Line No.			
(1)	Proposed Revised Surcharge Rate Effective Date	4/1/2012	
(2)	Surcharge End Date	12/31/2019	
(3)	Total Days Effective	2,830	
(4)	Total Customer Contribution	\$172,000,000	Final Agreement, Section 7.3.2
(5)	California Share of Customer Contribution	8%	Final Agreement, Section 4.1.1.E
(6)	Total California Collection	\$13,760,000	(4)*(5)
(6a)	Collection from 1/10/2012 to 3/31/2012	\$343,241	
(6b)	Remaining Collection	\$13,416,759	
(7)	Revised Annual Surcharge Collection Rate	\$1,731,615	(6b)/(3) * 365.25
(7a)	Current Annual Surcharge Rate	\$1,528,889	
(7b)	Increase to Surcharge Rate	\$202,726	(7)-(7a)
<hr/>			
Test of Surcharge Rate Impact			
(8)	Annual Base Retail Revenues effective January 1, 2010*	\$86,602,374	
(9)	Annual Surcharge Rate Percentage of Base Retail Revenue Requirement**	1.9995%	(7)/(8)

*The revenue requirements set by the California PUC for PacifiCorp as of January 1, 2010. Includes the Energy Cost Adjustment Clause and the Post Test-Year Adjustment Mechanism Attrition revenue requirement changes approved effective January 1, 2010.

**Must be less than 2% pursuant to Final Agreement, Section 4.1.1.B

ATTACHMENT D

CALCULATION OF KLAMATH DAM REMOVAL SURCHARGE RATE - REVISED

**PACIFIC POWER
STATE OF CALIFORNIA
Calculation of Klamath Dam Removal Surcharge Rate - Revised
Forecast 12 Months Ending December 2011**

Line No.	Description (1)	Sch. (2)	No. of		Generation Revenues (5)	Increase to Surcharge Rate Rates		Present Surcharge Rate	Proposed Surcharge Rate
			Customers (3)	KWH (4)		¢/kWh (6)	Revenues (7)	¢/kWh (8)	¢/kWh (9)
Residential									
1	Residential Service	D/DL-6	36,532	394,810,883	\$19,480,084	0.023	\$90,807	0.179	0.202
2	Multi-Family - Master Metered	DM-9	8	255,208	\$12,597	0.023	\$59	0.179	0.202
3	Multi-Family - Submetered	DS-8	14	1,336,216	\$64,886	0.023	\$307	0.179	0.202
4	Total Residential		36,554	396,402,307	\$19,557,567	0.023	\$91,173	0.179	0.202
Commercial & Industrial									
5	General Service - < 20 kW	A-25	7,208	61,935,978	\$3,900,168	0.030	\$18,581	0.249	0.279
6	General Service - 20 kW & Over	A-32	893	52,718,752	\$3,082,024	0.027	\$14,234	0.224	0.251
7	General Service - 100 kW & Over	A-36	290	104,693,175	\$5,496,931	0.025	\$26,173	0.186	0.211
8	Large General Service - 500 kW & Over	AT-48	17	113,573,565	\$6,041,257	0.025	\$28,393	0.140	0.165
9	Agricultural Pumping Service	PA-20	2,027	95,186,258	\$4,824,773	0.024	\$22,845	0.192	0.216
10	Total Commercial & Industrial		10,435	428,107,728	\$23,345,152		\$110,226		
Lighting									
11	Outdoor Area Lighting Service	OL-15	926	1,077,000	\$60,647	0.026	\$280	0.339	0.365
12	Airway & Athletic Lighting	OL-42	40	202,965	\$10,699	0.025	\$51	0.257	0.282
13	Street Lighting Service	LS-51	74	694,980	\$41,042	0.028	\$195	0.389	0.417
14	Street Lighting Service	LS-52	5	7,772	\$825	0.050	\$4	1.392	1.442
15	Street Lighting Service	LS-53	118	1,531,797	\$75,198	0.023	\$352	0.195	0.218
16	Street Lighting Service	LS-58	23	245,451	\$12,399	0.024	\$59	0.223	0.247
17	Total Lighting		1,186	3,759,965	\$200,810		\$940		
18	Total		48,174	828,270,000	\$43,103,529		\$202,339		

Notes:

1 Present revenues based on rates effective January 1, 2010.

ATTACHMENT E

EFFECTS OF PROPOSED RATE CHANGE

**PACIFIC POWER
STATE OF CALIFORNIA
EFFECTS OF PROPOSED RATE CHANGE
DISTRIBUTED BY RATE SCHEDULE
Forecast 12 Months Ending December 2011**

Line No.	Description (1)	Sch (2)	No. of Customers (3)	KWH (4)	Present Revenues				Proposed Revenues				Base Proposed Change		Net Proposed Change			
					Base Revenue (5)	ECAC (6)	Base with ECAC (7) (5)+(6)	Adders ¹ (8)	Net Revenue (9) (7)+(8)	Base Revenue (10)	ECAC (11)	Base with ECAC (12) (10)+(11)	Adders ¹ (13)	Net Revenue (14) (12)+(13)	Revenue (15) (12)-(7)	Percent (16) (15)/(7)	Revenue (17) (14)-(9)	Percent (18) (17)/(9)
Residential																		
1	Residential Service	D/DL-6	36,532	394,810,883	\$38,907,634	\$11,204,566	\$50,112,200	1,698,488	\$51,810,689	\$38,907,634	\$11,204,566	\$50,112,200	\$1,789,295	\$51,901,495	\$0	0.0%	\$90,807	0.2%
2	Multi-Family - Master Metered	DM-9	8	255,208	\$23,978	\$7,243	\$31,221	1,200	\$32,421	\$23,978	\$7,243	\$31,221	\$1,259	\$32,480	\$0	0.0%	\$59	0.2%
3	Multi-Family - Submetered	DS-8	14	1,336,216	\$99,684	\$37,922	\$137,606	5,441	\$143,047	\$99,684	\$37,922	\$137,606	\$5,748	\$143,354	\$0	0.0%	\$307	0.2%
4	Total Residential		36,554	396,402,307	\$39,031,296	\$11,249,731	\$50,281,027	\$1,705,129	\$51,986,156	\$39,031,296	\$11,249,731	\$50,281,027	\$1,796,302	\$52,077,329	\$0	0.0%	\$91,173	0.2%
Commercial & Industrial																		
5	General Service - < 20 kW	A-25	7,208	61,935,978	\$7,544,172	\$1,755,807	\$9,299,979	\$351,715	\$9,651,694	\$7,544,172	\$1,755,807	\$9,299,979	\$370,295	\$9,670,274	\$0	0.0%	\$18,581	0.2%
6	General Service - 20 kW & Over	A-32	893	52,718,752	\$5,361,540	\$1,493,986	\$6,855,526	\$273,821	\$7,129,347	\$5,361,540	\$1,493,986	\$6,855,526	\$288,055	\$7,143,581	\$0	0.0%	\$14,234	0.2%
7	General Service - 100 kW & Over	A-36	290	104,693,175	\$8,078,162	\$2,968,445	\$11,046,607	\$471,340	\$11,517,947	\$8,078,162	\$2,968,445	\$11,046,607	\$497,513	\$11,544,120	\$0	0.0%	\$26,173	0.2%
8	Large General Service - 500 kW & Over	AT-48	17	113,573,585	\$6,119,189	\$3,220,268	\$9,339,457	\$425,680	\$9,765,136	\$6,119,189	\$3,220,268	\$9,339,457	\$454,073	\$9,793,530	\$0	0.0%	\$28,393	0.3%
9	Agricultural Pumping Service	PA-20	2,027	95,186,258	\$8,598,548	\$2,697,187	\$11,295,736	\$448,573	\$11,744,309	\$8,598,548	\$2,697,187	\$11,295,736	\$471,418	\$11,767,154	\$0	0.0%	\$22,845	0.2%
10	Total Commercial & Industrial		10,435	428,107,728	\$35,701,612	\$12,135,693	\$47,837,305	\$1,971,129	\$49,808,433	\$35,701,612	\$12,135,693	\$47,837,305	\$2,081,355	\$49,918,660	\$0	0.0%	\$110,226	0.2%
Lighting																		
11	Outdoor Area Lighting Service	OL-15	826	1,077,000	\$217,506	\$30,491	\$247,997	8,177	\$256,174	\$217,506	\$30,491	\$247,997	\$8,457	\$256,454	\$0	0.0%	\$280	0.1%
12	Airway & Athletic Lighting	OL-42	40	202,965	\$30,505	\$5,754	\$36,259	1,241	\$37,500	\$30,505	\$5,754	\$36,259	\$1,291	\$37,550	\$0	0.0%	\$51	0.1%
13	Street Lighting Service	LS-51	74	694,980	\$161,091	\$19,729	\$180,820	5,842	\$186,662	\$161,091	\$19,729	\$180,820	\$6,037	\$186,857	\$0	0.0%	\$195	0.1%
14	Street Lighting Service	LS-52	5	7,772	\$7,757	\$221	\$7,978	217	\$8,195	\$7,757	\$221	\$7,978	\$221	\$8,199	\$0	0.0%	\$4	0.0%
15	Street Lighting Service	LS-53	118	1,531,797	\$173,413	\$43,452	\$216,865	7,732	\$224,597	\$173,413	\$43,452	\$216,865	\$8,084	\$224,949	\$0	0.0%	\$352	0.2%
16	Street Lighting Service	LS-58	23	245,451	\$31,832	\$6,950	\$38,782	1,358	\$40,140	\$31,832	\$6,950	\$38,782	\$1,417	\$40,199	\$0	0.0%	\$59	0.1%
17	Total Lighting		1,186	3,759,965	\$622,104	\$106,597	\$728,701	\$24,568	\$753,269	\$622,104	\$106,597	\$728,701	\$25,508	\$754,209	\$0	0.0%	\$940	0.1%
18	Total Sales to Ultimate Consumers		48,174	828,270,000	\$75,355,012	\$23,492,021	\$98,847,033	\$3,700,826	\$102,547,858	\$75,355,012	\$23,492,021	\$98,847,033	\$3,903,165	\$102,750,198	\$0	0.0%	\$202,339	0.2%
19	Total AGA				\$156,069		\$156,069		\$156,069	\$156,069		\$156,069		\$156,069	\$0	0.0%	\$0	0.0%
20	Total Employee Discount				(\$37,510)	(\$10,878)	(\$48,388)	(\$1,115)	(\$49,503)	(\$37,510)	(\$10,878)	(\$48,388)	(\$1,115)	(\$49,503)	\$0	0.0%	\$0	0.0%
21	Total Sales (inc. AGA and Employee Discount)		48,174	828,270,000	\$75,473,571	\$23,481,143	\$98,954,714	\$3,699,711	\$102,654,424	\$75,473,571	\$23,481,143	\$98,954,714	\$3,902,050	\$102,856,763	\$0	0.0%	\$202,339	0.2%

Notes:

¹ Total effects of Schedule S-191 Surcharge to Fund Public Purpose Programs, Schedule ECAC-94 Deferred ECAC and Schedule S-199 Klamath Dam Removal Surcharge. Excludes the effect of Schedules S-99 CPUC Surcharge, S-100 CARE Surcharge and CARE Discounts.

Certificate of Service

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this 13th day of January, 2012, at Portland, OR, provided via electronic mail a true and correct copy of PacifiCorp's (U 901-E) Petition for Modification of Decision 11-05-002 to the following parties (Last Changed January 12th, 2012):

Service List

A.10-03-015

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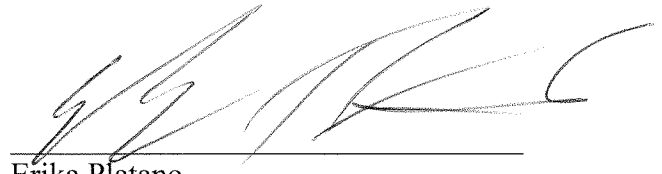
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