

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

**RESOLUTION ALJ-244**

**COMMENTS OF PACIFICORP (U-901-E)**

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**I. INTRODUCTION**

Pursuant to the May 14, 2010 memorandum (Memorandum) issued by Chief Administrative Law Judge Karen V. Clopton, PacifiCorp, d.b.a. Pacific Power, (PacifiCorp or Company) submits comments regarding the California Public Utilities Commission's (Commission) advice letter pilot program for California Public Utilities Code Section 851 (Section 851). The Memorandum notes the Commission is reviewing the advice letter pilot program through a two-step process. First, the Commission adopted Resolution ALJ-244, which modified the advice letter pilot program in accordance with California Assembly Bill (AB) 698. Second, the Commission is seeking public input through written comments on the overall effectiveness of the pilot program, additional proposed changes to the pilot program, and whether the pilot program should be continued, made permanent or allowed to expire in August 2011.

**II. DISCUSSION**

**A. Background**

PacifiCorp is a multi-jurisdictional utility providing electric retail service to customers in California, Idaho, Oregon, Utah, Washington, and Wyoming. PacifiCorp serves approximately 46,500 customers in Del Norte, Modoc, Shasta, and Siskiyou

counties in northern California. The Company's California service territory represents less than two percent of PacifiCorp's total retail electric load.

### **B. Overall Effectiveness**

PacifiCorp believes the advice letter pilot program has generally been effective at streamlining the approval process and reducing delays for non-controversial filings. The advice letter pilot program provides a thorough, simple, administratively-efficient review process for determining whether certain property dispositions are appropriate.

Section 851 essentially requires Commission approval of the disposition or encumbrance of any utility property necessary or useful in providing utility service. PacifiCorp considers nearly all of its transmission and generation assets to be system assets that serve customers throughout its six-state system. Customers in all six states share the costs and benefits associated with these assets. As such, the Section 851 requirements apply to the Company's property disposition transactions related to property throughout its system. The majority of utility property included in PacifiCorp's California rate base is located outside of California.

Because PacifiCorp's California customers are allocated less than a two percent share of the costs and benefits associated with each of these system resources, when the Company files advice letters for approval of property dispositions that affect its California rate base, in many instances, the property dispositions result in sale proceeds allocated to California that the Company believes to be *de minimus*. A review of PacifiCorp's 2010 advice letter pilot program filings regarding property dispositions shows a range of fair market value sale proceeds allocated to California, based on factors

used to allocate system assets, of approximately \$9 to \$13,500. Additionally, all of these transactions occurred in states other than California.

Prior to AB 698 and Resolution ALJ-244, property disposition advice letters required a resolution from the Commission approving the disposition. Now, such advice letters may be approved by the applicable Commission industry division director or the Commission Executive Director if no protests are received. In PacifiCorp's experience, this new approval process has resulted in quicker approvals and has improved administrative efficiency, particularly for the transactions in which PacifiCorp frequently engages. The expense of a more formal review process for transactions such as these would far outweigh the benefits to California.

### **C. Proposed Changes**

While the advice letter pilot program works well, PacifiCorp believes additional changes could improve overall efficiency. As noted above, most of the property dispositions for which PacifiCorp files advice letters are outside of California and have very low fair market values on a California-allocated basis. The new approval process implemented by AB 698 and Resolution ALJ-244 improves the efficiency of the review process, although the review could still take up to 120 days. PacifiCorp encourages the Commission to explore options for shortening the review process for property disposition advice letters for which no protests are received. The Commission could add additional qualifying criteria and shorten the review period. For example, property dispositions that occur outside of California, have fair market values allocated to California of \$10,000 or less, and are exempt from California Environmental Quality Act review for which no protests are received could be approved by the appropriate industry division within 30 or

45 days of the advice letter filing. PacifiCorp believes such a process would enhance the benefits of the advice letter pilot program. Since California is the only one of PacifiCorp's states that requires pre-approval of many of these transactions, quicker approvals would allow PacifiCorp to complete these transactions in a more timely manner.

#### **D. Continuation of Pilot Program**

PacifiCorp believes the advice letter pilot program is a valuable tool for reviewing property dispositions that generally works well. At a minimum, the program should be continued through August 2011 as described in Resolution ALJ-244 to evaluate the effectiveness of the newly-instituted review process. PacifiCorp believes the program is effective enough to become permanent, with the possibility of future reviews for changes, if necessary.

### **III. CONCLUSION**

PacifiCorp appreciates the opportunity to participate in the review of the California Public Utilities Code Section 851 advice letter pilot program.

Respectfully submitted this 14<sup>th</sup> day of June, 2010 at San Francisco, California.

By   
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## Certificate of Service

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have provided via electronic mail or US Mail if an E-mail address has not been provided, a true and correct copy of the **PacifiCorp's (U 901-E) Comments on Resolution ALJ-244** to the following parties:

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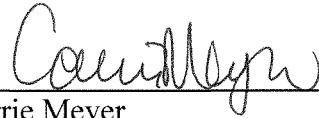
rwh@cpuc.ca.gov

xsh@cpuc.ca.gov

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