

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

PacifiCorp
Docket Nos. ER05-554-000
ER05-554-001
ER05-554-002
August 25, 2005

Troutman Sanders LLP
401 9th Street, NW
Suite 1000
Washington D.C. 20004

Attention: Amie V. Colby
Attorney for PacifiCorp

Reference: Executed Generator Interconnection Agreements and Transmission Service Agreement

Dear Ms. Colby:

On February 4, 2005, PacifiCorp filed small generator interconnection agreements (IAs) with Roseburg Forest Products Inc. (Roseburg), Wah Chang,¹ and Warm Springs Power Enterprises (Warm Springs); and a transmission service agreement (TSA) with Warm Springs. PacifiCorp requests effective dates of December 21, 2001 for the Roseburg IA; June 4, 2001 for the Wah Chang IA; January 1, 2002 for the Warm Springs IA; and January 1, 2002, for the Warm Springs TSA.

On February 28, 2005, PacifiCorp filed a letter with the Commission stating that its IA with Roseburg should have been reflected as a large generator interconnection agreement (LGIA) and would need to be compliant with the large generator interconnection rules established by the Commission in Order No. 2003.² Subsequently, on July 13, 2005, PacifiCorp notified the Commission that it has entered into an Order No. 2003 compliant LGIA with Roseburg. Therefore, the IA between PacifiCorp and Roseburg filed in Docket No. ER05-554-000 is moot. In addition, PacifiCorp amended

¹ TDY Industries Inc., a California corporation d/b/a Wah Chang.

² *Standardization of Generator Interconnection Agreements and Procedures*, FERC Stats. & Regs., Regulations Preambles ¶ 31,146 (2003); *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs., Regulations Preambles ¶ 31,160 (2004); and *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004).

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its IA with Warm Springs to conform the IA with the Commission's designation requirements set forth in Order No. 614.³

PacifiCorp acknowledges that the agreements are submitted out of time and states that it will refund the time value of money of any revenues collected under such agreements prior to April 5, 2005, a date 60 days from the date of the original filing, and will file a refund report upon the issuance of a Commission order in this proceeding. Therefore, waiver of notice is not granted, and the IAs with Wah Chang and Warm Springs, and the TSA with Warm Springs are accepted, as designated, effective April 5, 2005, sixty days after filing. Accordingly, consistent with *El Paso Electric Company*, 101 FERC ¶ 61,276 (2002), *reh'g denied*, 105 FERC ¶ 61,131 (2003), PacifiCorp must refund the time value of the revenues actually collected for the time period the rate was charged without Commission authorization. Accordingly, PacifiCorp is directed to make refunds within 30 days of the date of this order and to file a refund report with the Commission within 30 days thereafter.⁴

The filings were noticed by the Commission with comments, protests, or motions to intervene due on or before August 3, 2005. No protests or comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provision of Rule 214.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation or practice affecting such rate or service provided for in the filed documents; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against PacifiCorp.

³ See *Boston Edison Company*, 98 FERC ¶ 61,292 (2002).

⁴ Consistent with *Southern California Edison Company*, 98 FERC ¶ 61,304 (2002), the time value refunds will be limited to ensure that PacifiCorp will not be constructing the facilities at a loss. If PacifiCorp determines that any portion of the ordered refunds will result in PacifiCorp constructing the facilities at a loss, PacifiCorp must make such a showing in its compliance filing refund report.

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This action is taken pursuant to authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

John T. Carlson, Acting Director
Division of Tariffs and Market
Development – West

cc: All Parties