

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

PacifiCorp
Docket No. ER05-537-000
March 15, 2005

PacifiCorp
700 N.E. Multnomah, Suite 550
Portland, Oregon 97232

Attention: Jack E. Stamper
Regulatory Manager Transmission Services

Reference: Amended AC Intertie Agreement

Dear Mr. Stamper:

On February 2, 2005, PacifiCorp submitted for filing an amendment to its existing AC Intertie Agreement (Agreement) with Bonneville Power Administration (Bonneville). The amended Agreement provides for Bonneville's use of PacifiCorp's 500/230 kV transformer at the Malin Substation at a use-of-facilities charge. PacifiCorp requests waiver of notice to allow the amended Agreement to become effective on January 26, 2005. In support of its request for waiver of notice, PacifiCorp states that the existing Agreement, entered into in 1994, provided for Bonneville's use of the transformer. PacifiCorp also states that it has not yet collected any payments from Bonneville for its Malin transformer use.

The Commission's policy is to grant waiver of notice for this type of filing only upon the showing of extraordinary circumstances.¹ PacifiCorp has not made such a showing. Therefore, the amended Agreement is accepted effective April 4, 2005, sixty days after filing, as conditioned below. When waiver of notice is denied, Commission policy is to require refunds of the time value of revenues collected for the time period the rate was charged without Commission authorization.² However, since PacifiCorp, as it

¹ *Central Hudson Gas and Electric Company, et al.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992), and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶ 61,081 (1993).

² *See El Paso Electric Company*, 101 FERC ¶ 61,276 (2002), *reh'g denied*, 105 FERC ¶ 61,131 (2003).

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stated, has not yet collected any payments from Bonneville, no time value refunds are due.

The amended Agreement does not comply with the requirements of Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Specifically, the amended Agreement contains old, outdated language that has been superceded by various amendments over time. The Commission has found that superceded language must be removed and only relevant, effective language be included in a single, comprehensible rate schedule.³ Acceptance is therefore conditioned upon PacifiCorp filing, within 30 days of the date of this letter order, a complete and up-to-date Rate Schedule No. 368 with all superceded language removed.

This filing was noticed on February 8, 2005, with comments, protests, or motions to intervene due on or before February 23, 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 provisions 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.

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,

Jamie Simler, Director
Division of Tariffs and Market
Development – West

cc: All Parties

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