

**UNITED STATES OF AMERICA
U.S. DEPARTMENT OF ENERGY
BEFORE THE
BONNEVILLE POWER ADMINISTRATION**

2007 SUPPLEMENTAL WHOLESALE POWER)
RATE ADJUSTMENT PROCEEDING) BPA Docket No. WP-07

**BONNEVILLE POWER ADMINISTRATION’S MOTION TO STRIKE
DIRECT TESTIMONY OF CITIZENS’ UTILITY BOARD OF OREGON**

INTRODUCTION

On March 31, 2008, the Citizens’ Utility Board of Oregon (CUB) filed the direct testimony of Bob Jenks in this proceeding. *See Jenks, WP-07-E-CU-1.* The testimony addressed, in part, issues related to the development of Bonneville Power Administration’s (BPA) Average System Cost Methodology (ASC Methodology). BPA hereby moves to strike the testimony regarding BPA’s proposed ASC Methodology, which is outside the scope of this proceeding.

ARGUMENT

BPA’s Federal Register Notice initiating the instant proceeding prescribes the scope of issues to be litigated in the proceeding. In pertinent part, the Notice provides:

8. Average System Cost Methodology

Concurrent with the publication of this notice, BPA is publishing a separate notice in the Federal Register to commence a consultation proceeding to develop a new Average System Cost (ASC) Methodology. Section 5(c) of the Northwest Power Act established the REP, which provides benefits to residential consumers of Pacific Northwest utilities based, in part, on a utility’s “average system cost” of resources. Section 5(c)(7) of the Act authorizes the Administrator to consult with regional

interests to develop an ASC methodology. The ASC Methodology prescribes which costs are included and excluded from a utility's ASC, as well as the procedural rules for filing proposed ASCs with BPA. Comments on BPA's proposed ASC Methodology will be submitted, reviewed and addressed solely in the separate consultation proceeding. For this reason, issues related to the proposed ASC Methodology are not within the scope of this proceeding. Therefore, pursuant to § 1010.3(f) of BPA's Hearing Procedures, the Administrator hereby directs the Hearing Officer to exclude from the record any materials attempted to be submitted or arguments attempted to be made in the hearing that seek to in any way visit the appropriateness or reasonableness of the proposed ASC Methodology.

73 Fed. Reg. 7539, 7544-45 (Feb. 8, 2008).

On March 31, 2008, CUB filed the direct testimony of Bob Jenks in this proceeding. *See* Jenks, WP-07-E-CU-1. From page 9, line 4, through page 11, line 25, the testimony describes CUB's general support for BPA's proposed ASC Methodology and CUB's proposed changes to the Methodology. *Id.* at 9-11. *See* Attachment 1.

Because CUB's testimony is outside the scope of this proceeding, BPA hereby moves to strike such testimony from the administrative record. Although not within the scope of this proceeding, BPA notes that CUB's suggestions are informative and should be resubmitted as comments in the concurrent ASC Methodology consultation proceeding.¹

¹ The deadline for submitting initial comments on BPA's revised ASC Methodology is May 2, 2008. Comments may be submitted on the following website:
<http://www.bpa.gov/applications/publiccomments/OpenCommentListing.aspx>

CONCLUSION

For the foregoing reasons, BPA respectfully requests the Hearing Officer to strike the above-noted testimony.

DATED April 11, 2008

Respectfully submitted,

/s/ Kurt R. Casad (by electronic filing)

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CERTIFICATE OF SERVICE

I certify that I have this day served the forgoing Bonneville Power Administration's Motion To Strike Direct Testimony Of Citizens' Utility Board Of Oregon upon the parties identified in the attached Order Amending Service List dated April 4, 2008, as corrected ("Order"), via electronic filing in the Bonneville Power Administration Secure Rate Case Web Site, 2007 Wholesale Power Rate Case (including 2007 Supplemental Rate Case, beginning date 02-19-08), and upon the following persons, via email and facsimile, who were designated by the Citizens' Utility Board Of Oregon in the Order as the proper recipients for all official communications concerning these filings:

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DATED this 11th day of April, 2008.

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BPA Docket WP-07

ORDER AMENDING SERVICE LIST

The Service List is amended.

SO ORDERED, March 21, 2008.

/s/ [Martin Henner]

Martin Henner
2007 Supplemental Wholesale Power
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BPA Hearing Officer

WP-07 Supplemental Wholesale Power Rate Adjustment Proceeding – Service List

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