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The Honorable Floyd Prozanski
Chair, Senate Judiciary Committee
900 Court Street, NE
Salem, OR 97301

RE: Senate Bill 1553 – Oppose

Chair Prozanski and members of the committee:

Pacific Power provides safe and reliable electric service to more than 630,000 customers across Oregon, primarily in rural parts of the state. Pacific Power is part of PacifiCorp, whose more than 5,000 union and nonunion employees (1,800 in Oregon) serve over 2 million customers across six western states, including Oregon, Washington, California, Utah, Wyoming and Idaho.

Pacific Power opposes Senate Bill (SB) 1553, which is another brazen and irresponsible attempt by some in the legislature to put their thumb on the scales of justice. The bill is punitive, retroactive and interferes with ongoing litigation. If passed, Senate Bill 1553 would financially harm the company, increase customer bills and degrade critical services that provide reliable power. This will further weaken job growth and economic development that the company supports throughout our communities.

PacifiCorp has responsibly settled more than 4,500 claims since 2020 relating to wildfire, which represents 70% of all existing claims, at a cost of \$1.6 billion, including 93 wineries and 1,400 individual plaintiffs in October and November of last year, respectively. To put a finer point on this, the company has settled nearly 90% of all claims that are unrelated to the Beachie Creek/Santiam Canyon fire. Claims related to the Beachie Creek/Santiam Canyon fire are different, which is why we continue to challenge them. After nearly five years of investigation and analysis, the Oregon Department of Forestry officially concluded that this fire was caused by lightning weeks before Labor Day 2020 and that our assets did not cause or contribute to the widespread damage in Santiam Canyon. PacifiCorp will continue to actively defend against these claims.

In August 2025, the trial court judge in Multnomah County released the schedule for the remaining damages trials for all members of the *James* class action lawsuit. That schedule sets a cadence of four trials per month beginning in February 2026 and eight trials per month in 2027 and 2028. That means that all plaintiffs in the *James* class action have a trial date and the court is processing their claims. Plaintiffs' counsel fought for this schedule and cadence, which was granted by the court. This is further evidence of the legal process functioning as designed.

Just last week, February 4, 2026, oral argument in the company's appeal of the 2023 *James* trial verdict was presented before a three-judge panel of the Oregon Court of Appeals after PacifiCorp's motion to expedite the appeal was granted. Our expectation is that the court will issue an expedited decision in 2026 or the first part of 2027.

Despite this, SB 1553 seeks to interfere in the due process of law.

SB 1553, as introduced, violates both the Oregon and U.S. Constitutions:

- Applies only to PacifiCorp, making it an unlawful bill of attainder
- Seeks to interfere with the judiciary, making it a special law explicitly prohibited by the Oregon Constitution, Article IV, section 23
- Applies retroactively to 2020 in violation of the Due Process Clause of the U.S. Constitution and Article I, Section 20 of the Oregon Constitution
- Requires the Oregon Public Utility Commission to make PacifiCorp establish an escrow account for jury-awarded damages in addition to existing bonding requirements with the court, effectively charging the company twice to exercise its due process rights. The duplicative escrow account scheme would be yet another violation of due process, as well as a prohibited special law under the Oregon Constitution
- Requires PacifiCorp to pay federal taxes for class members who are awarded damages, singling out one company for legislative punishment, in violation of Article I, Section 18 of the Oregon Constitution, the Fifth Amendment of the U.S. Constitution and the standards outlined in *Duquesne Light Co. V. Barasch*, 488 US 299 (1989) and *FPC v. Hope Natural Gas Co.* 320 US 591 (1944)
- Prohibits cost recovery for legal expenses in litigation, including settlements, related to a wildfire involving PacifiCorp if a court or jury finds the fire resulted from PacifiCorp's negligence. By restricting cost recovery in Oregon, the bill seeks to require PacifiCorp customers in other states to pay costs associated with Oregon wildfires and judgments in violation of the Dormant Commerce Clause. It also violates due process because section 4 is an unlawful taking, see *Duquesne Light Co. V. Barasch*, 488 US 299 (1989) and *FPC v. Hope Natural Gas Co.* 320 US 591 (1944)

SB 1553 is a direct threat to affordable electricity and rural economic development. It will impact PacifiCorp's ability to access capital and significantly increase the cost of capital for many years. That capital is necessary for infrastructure upgrades and investments, including investments in support of the state's ambitious clean energy objectives. At a time when affordability is front and center for Oregonians, this legislation would punish customers.

Oregon needs holistic solutions to wildfire-related issues, not punitive legislation that seeks to target one company that has clearly demonstrated a willingness to settle reasonable wildfire claims.

Please contact me if you have questions at 971-284-6996 or reach out to Elizabeth Howe 503-910-3270 or Shawn Miller 503-551-7738.

Sincerely,



Annette Price

Cc: Senate Judiciary Committee members