— Pepple Moser PC —

July 6, 2026

***Via Electronic Filing***
Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301

Re: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY, Investigation into Marginal Cost Study Treatment of Costs for Large Customers and Further Modifications to PGE's Rule C and Rule I.
**Docket No. UM 2377**

Dear Filing Center:

Please find enclosed the Complaint for Hearing of the Alliance of Western Energy Consumers ("AWEC") in the above-referenced docket.

Thank you for your assistance. Please do not hesitate to contact me if you have any questions.

Sincerely,

*/s/ Anna V. Congdon*
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Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UM 2377**

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|---|
| In the Matter of<br><br>PORTLAND GENERAL ELECTRIC COMPANY,<br><br>Investigation into Marginal Cost Study Treatment of Costs for Large Customers and Further Modifications to PGE's Rule C and Rule I. |

# COMPLAINT FOR HEARING

**OF THE**

**ALLIANCE OF WESTERN ENERGY CONSUMERS**

**July 6, 2026**

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## I. INTRODUCTION

Pursuant to ORS 757.210 and 757.215, the Alliance of Western Energy Consumers ("AWEC"), files this complaint with the Oregon Public Utility Commission ("Commission") to conduct a hearing upon Portland General Electric Company's ("PGE") Compliance Filing filed in UM 2377 (ADV 26-24) on June 3, 2026 ("Compliance Filing") to determine whether the utility's proposed rate or schedule is fair, just and reasonable. The Commission should also require PGE to supplement its filing to include the information required for general rate revisions under OAR 860-022-0019.

## II. BACKGROUND

The Commission opened the investigation in UM 2377 as a contested case to address issues that had previously been raised in PGE's prior general rate case, UE 416, and a docket opened in conjunction with its approval of a settlement in UE 416 to address new load connection costs in PGE's service territory, UE 430.[1] Meanwhile, after the Commission opened UM 2377, but before parties had submitted any evidence, the Oregon Legislature passed House Bill 3546, known as the POWER Act, which required the Commission to approve a separate data center rate class for PGE and PacifiCorp based on requirements in the legislation. Pursuant to the procedural schedule adopted in UM 2377, the first evidence filed in the case was simultaneous opening testimony filed by all parties to the docket on August 11, 2025. In PGE's Opening Testimony, it proposed, among other things, a "Peak Growth Modifier" approach to customer class allocation that, as its testimony demonstrated, impacted the existing rates of all

[1] Docket No. UE 430, Order No. 25-091 at 1-2 (Mar. 6, 2025).



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customer classes.[2] Despite this recommendation, the only tariffs PGE filed for revision in the docket were Schedule 96, the new data center rate class tariff required by the POWER Act, and Rule I.[3] At no point in this proceeding prior to the Final Order did PGE ever file revisions to any other tariff.

Despite this fact, PGE's compliance filing (ADV 26-24) in response to the Final Order revises most of its tariffs currently in effect. This includes the vast majority of each type of charge for all customer classes (energy charges, demand charges, system usage charges, etc.), and even updates rider schedules that were never mentioned in the case, such as Schedule 121 to recover costs associated with PGE's Distribution System Plan Alternative Recovery Mechanism. PGE's compliance filing was not accompanied by any supporting testimony, exhibits, or responses to standard data requests. At the public meeting on June 9, 2026, the Commission suspended PGE's compliance filing with the goal of revisiting the filing at the July 7, 2026 Public Meeting.[4]

## III. LEGAL STANDARD

Under ORS 757.220, a public utility must provide notice to the Commission when it proposes to change any rate or schedule and such changes "shall be plainly indicated upon existing schedules, or by filing new schedules."[5] "Whenever any public utility files . . . any rate or schedule of rates . . . the [C]ommission may, either upon written complaint or upon the Commission's own initiative . . . conduct a hearing to determine whether the rate or schedule is

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2 PGE/100, Ferchland-Barrow/24 (Table 6)
3 PGE/101, PGE/105.
4 Order No. 26-206, Appen. A at 3.
5 ORS 757.220 (emphasis added).



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fair, just, and reasonable."[6] The Commission "shall conduct such the hearing upon a written complaint."[7] Finally, the utility bears the burden of proof to support its proposed rate.[8]

In turn, ORS 757.215 provides that the Commission may, "pending such investigation and determination, order the suspension of the rate or schedule of rates for a period of up to ten months beyond the time when such rate or schedule would otherwise go into effect."[9]

Further, a general rate revision is a "filing by an energy or large telecommunications utility which affects all or most of a utility's rate schedules."[10] With the filing of new or revised tariff schedules in a general rate revision, the utility must also provide testimony and exhibits, work papers, an executive summary, responses to standard data requests, and a motion for protective order if needed,[11] and it must also make special announcements to its customers.[12]

## IV. COMPLAINT FOR HEARING

AWEC files this complaint with the Commission to request a hearing on whether PGE's compliance filing is fair, just, and reasonable. Further, because PGE's compliance filing constitutes a general rate revision, PGE should be required to supplement its filing with all information required by OAR 860-022-0019 and to provide necessary customer notices OAR 860-022-0017.

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6 ORS 757.210(1)(a).
7 *Id.*
8 *Id.*
9 ORS 757.215(1).
10 OAR 860-022-0017; *see also* OAR 860-022-0019
11 OAR 860-022-0019
12 OAR 860-022-0017.



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### A. PGE's Compliance Filing is the first time the Commission is presented with proposed changes to rates and schedules, aside from Schedule 96 and Rule I.

A hearing is appropriate given that PGE's compliance filing is the first time that the Commission and parties are presented with PGE's proposed changes plainly indicated upon existing schedules for all rates and schedules except for Schedule 96 and Rule I. PGE represented that its proposals, especially the shift to the Peak Growth Modifier methodology, would have an impact on other customer classes. Yet, despite statutory requirements to "plainly indicate" changes to rates and schedules on the schedules themselves, PGE only ever filed a new Schedule 96 and redlines to Rule I.[13] Parties to UM 2377, therefore, were responding to PGE's proposals with blinders on. No party, other than possibly PGE, could know the effect of PGE's proposals and rate design methodology upon its rates and schedules without having the opportunity to review the revisions to the schedules themselves. Now that all parties can see the effect of PGE's proposals upon the schedules themselves, good cause exists to allow time to investigate the rates and hold a hearing.

### B. PGE's revisions in its Compliance Filing are extensive.

As noted by Staff in its memoranda to the Commission for the June 9, 2026 public meeting, "over 175 tariff sheets are updated" by PGE's compliance filing.[14] The filing, in fact, updates more rate schedules than PGE's last general rate case, UE 435. PGE's cover page indicates that approximately 963,000 customers are impacted by the change, including *all* customer classes.[15] It is not clear how PGE decided which tariffs were impacted and why each

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13 PGE/101, PGE/105.
14 Staff Report for June 9, 2026 Public Meeting at 2.
15 PGE Compliance Filing, Cover Letter at 4 (June 3, 2026) (emphasis added).



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of the changes were made. The changes are not self-explanatory and, because they cannot be compared to previously filed versions supporting PGE's initial case, PGE now effectively has carte blanche to implement those changes as it sees fit, regardless of whether its method of implementation is reasonable or not. Parties, for instance, never had the ability to test how PGE would implement any ordered rate changes (such as modifying energy or demand rates) because PGE never proposed a method of implementation. The compliance filing is not accompanied by any testimony explaining the revisions that would equip stakeholders with the ability to analyze the effect and appropriateness of PGE's implementation effort. The extent of these changes, and lack of clarity around their cause, also weighs in favor of further investigating the filing and holding a hearing.

### C. The Compliance Filing is not a typical compliance filing, filed following a rate case.

In a rate revision docket, the impacted rates and schedules are typically filed in clean and redline copies at the beginning of the proceeding, and then following a final order, the impacted schedules are re-submitted as a compliance filing. In that situation, it is clear to see how the decisions within the case impacted the affected tariffs because a side-by-side comparison can be made between the "as filed" tariff sheets, and the compliance filings.

Here, first of all, UM 2377 was not handled as a traditional rate revision docket. It utilized the Commission's general "utility miscellaneous" ("UM") docket designation, which is typically used for "Deferred Accounting, Investigations, [and] Certain Complaints" rather than



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the typical "UE" designation used for Electric Rate Cases.[16] The docket also utilized simultaneous testimony and briefing, which is typically not the case when one party bears the burden of proof as in a rate revision.[17] But most importantly, most of the impacted schedules were not filed at the outset of the case (or at any time during the evidentiary phase of the docket). As such, no side-by-side comparison can be made between the "as filed" schedules and the Compliance Filing, and therefore, much more extensive analysis through the hearing and contested case process is required to understand the effect and impact of the Compliance Filing and whether it has appropriately implemented the Commission's directives.

### D. PGE's Compliance Filing is a general rate revision that is noncompliant with Commission rules.

General rate revisions are those revisions that affect all or most of the utility's schedules.[18] Given that PGE's Compliance Filing affects all or virtually all of its customers (approximately 963,000) and impacts every one of its base rate schedules, PGE's filing constitutes a general rate revision under the Commission's administrative rules. General rate revisions have special regulatory requirements that provide the Commission and ratepayers with adequate notice of and information about PGE's filing and the impact on their rates. Without that information, ratepayers are deprived of the opportunity to understand the effect of PGE's proposal on rates. PGE has not complied with the Commission's administrative rules, and as

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16 *See* Oregon Public Utility of Commission, Docket Designations available https://www.oregon.gov/puc/filing-center/Documents/DocketDesignations.pdf (last accessed June 25, 2026).

17 *See In re Pub. Util. Comm'n of Or., Amending Internal Operating Guidelines*, Docket No. UM 2055, Order No. 20-389, Appendix A at 19 (Oct. 27, 2020) ("[i]n cases where one party carries the burden of proof, such as rate cases, the parties typically file sequential briefs, so that the party with the burden has the last opportunity to present argument."

18 OAR 860-022-0019(1).



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such, the Commission should require PGE to supplement its rate case filing, presented in the form of a Compliance Filing, to provide all information for such filings required by the Commission's rules.

## V. CONCLUSION

In conclusion, AWEC with this complaint, petitions the Commission to investigate PGE's Compliance Filing and hold a hearing on it, given that the extent of the changes are significant (impacting all customer classes), this is the first time parties and the Commission are plainly presented with such revisions on the schedules themselves, and that no easy comparison can be made to the "as filed" schedules as is typical in rate revisions. Further, since the Compliance Filing is so extensive as to impact all or most of PGE's customers, it is a general rate revision as defined in the Commission's rules, and AWEC further petitions the Commission to handle it as a general rate revision.

Dated this 6th day of July, 2026.

Respectfully submitted,

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