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August 21, 2018

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
201 High Street SE, Suite 100
Salem, OR 97301-3398

Attn: Filing Center

RE: LC 67—PacifiCorp's Response

In accordance with OAR 860-001-0420(4), PacifiCorp d/b/a Pacific Power provides the enclosed response to Sierra Club's Motion to Compel.

Please direct questions on this filing to Natasha Siores at (503) 813-6583.

Sincerely,



Etta Lockey
Vice President, Regulation

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 67

In the Matter of
PACIFICORP, d/b/a PACIFIC POWER,
2017 Integrated Resource Plan.

RESPONSE TO SIERRA CLUB'S
MOTION TO COMPEL

In accordance with OAR 860-001-0420(4), PacifiCorp d/b/a Pacific Power (PacifiCorp) submits this response to the Motion to Compel filed on August 14, 2018, by the Sierra Club in the above-captioned docket (the Motion). Sierra Club requests that the Public Utility Commission of Oregon (Commission) compel PacifiCorp to respond to data requests issued in the company's 2017 Integrated Resource Plan (IRP) proceeding. The data requests were issued following acknowledgment of PacifiCorp's 2017 IRP and with respect to a compliance filing that the Commission has indicated it will consider in docket LC 70.

The Sierra Club's Motion is moot and should be dismissed because PacifiCorp has provided the requested information. In addition, as detailed below, the responses to the data requests were appropriately provided in docket LC 70, the company's 2019 IRP proceeding, consistent with the Commission's IRP Guidelines and to facilitate stakeholder participation.

I. ARGUMENT

The Motion became moot one day after its filing and should be dismissed. The Motion requests that the Commission compel PacifiCorp to immediately respond to Sierra Club's data requests submitted in docket LC 67 regarding a compliance filing submitted in

that proceeding.¹ The Motion was filed on August 14, 2018.² PacifiCorp provided its response to Sierra's Clubs data requests on August 15, 2018 in docket LC 70. Therefore, no relief in response to Sierra Club's Motion is necessary and such Motion should be denied. For the reasons set forth below, PacifiCorp appropriately provided such responses in docket LC 70, PacifiCorp's currently pending 2019 IRP proceeding.

PacifiCorp's 2017 IRP was acknowledged by the Commission in docket LC 67 on April 27, 2018, pursuant to Order No. 18-138 (the Order). As set forth in the Order, PacifiCorp agreed to perform a system optimizer run for each of its coal units and a base case (the Coal Analysis). The Order directed PacifiCorp to provide the results of this analysis to the Commission and to parties in docket LC 67 no later than June 30, 2018.³ PacifiCorp performed the Coal Analysis as directed and provided such analysis on June 29, 2018, as a compliance filing.

Sierra Club issued data requests regarding the Coal Analysis on July 27, 2018. Integrated resource plan filings are subject to the IRP Guidelines adopted pursuant to Order No. 07-002. While these guidelines do not explicitly address discovery rights and obligations, Order No. 07-002 indicates that discovery is part of the review process that provides support for stakeholder comments and recommendations submitted to the Commission for consideration prior to acknowledgement of the IRP.⁴ Notably, there is no indication or reference in the guidelines that suggests that discovery was anticipated beyond the six month comment period or with respect to compliance filings.⁵ Instead, it appears

¹ Motion at 5.

² *Id.*

³ Order at 13.

⁴ *In the Matter of Public Utility Commission of Oregon, Investigation into Integrated Resource Planning*, Docket No. UM 1056, Order No. 07-002 at 8, 10, (Jan. 8, 2007).

⁵ *See* Order No. 07-002; *see also* Order No. 07-002, Appendix A.

intentional that any reference to additional discovery regarding compliance filings is lacking because compliance filings are submitted following Commission acknowledgement of an IRP. Acknowledgment of an IRP results in the IRP becoming the working document used by the utility, the Commission, and any other interested party in a rate case or other proceeding before the Commission (*i.e.*, acknowledgment represents the conclusion of the IRP process).⁶ It would be overly burdensome to allow continued discovery once an acknowledgment has been issued because the IRP process has concluded.

Submission of the responses to Sierra Club's data requests in docket LC 70 is also supported by the Notice of Commission Workshop issued on August 7, 2018, in docket LC 70 pursuant to which the Commission has scheduled a workshop for August 28, 2018, to review the Coal Analysis "and [to] address how that analysis can inform PacifiCorp's 2019 [IRP]." The Commission Notice states that the workshop has been scheduled "so that PacifiCorp can present its analysis to us, stakeholders can present comments, and we can all engage in a work session on next steps." It is clear that any additional consideration of the Coal Analysis will be conducted through docket LC 70.

Thus, following receipt of the Commission Notice, PacifiCorp determined that the Coal Analysis should be filed in docket LC 70 and that any data requests regarding the Coal Analysis should also be provided in docket LC 70 in order to facilitate the Commission workshop. As acknowledged in Sierra Club's Motion, PacifiCorp contacted Sierra Club to discuss the most appropriate Commission docket to provide its responses to the data requests in light of the conclusion of docket LC 67 and upcoming Commission workshop.

⁶ See Order No. 07-002 at 24, *citing* Order No. 89-507 at 7.

PacifiCorp communicated its position and reasoning to Sierra Club on August 13, 2018, and indicated that it would be filing the Coal Analysis in docket LC 70; PacifiCorp further indicated that once the Coal Analysis had been filed in docket LC 70, it would immediately provide its responses to Sierra Club's data requests. Consistent with this proposed procedure, PacifiCorp filed the Coal Analysis in docket LC 70 on August 14, 2018, and followed up the next day (*i.e.*, August 15, 2018) by providing its responses to Sierra Club's data requests. PacifiCorp has never indicated that it was unwilling to respond to the data requests. Instead, PacifiCorp has expressed concerns that data requests are only appropriate in a pending docket (*i.e.*, there is no basis for ongoing discovery in a docket that has concluded⁷) and that data requests should be tied to a filing that has been submitted to the Commission. For these reasons, PacifiCorp followed the timeline and process detailed above. This procedure also ensures that all stakeholders intending to participate in the 2019 IRP process will also receive the information requested by Sierra Club. Finally, it is important to note that the Sierra Club indicated that it does not object to submission of the responses in docket LC 70.⁸ As a result, no additional action by PacifiCorp is necessary. The Motion is now moot and should be dismissed.

II. CONCLUSION

Sierra Club's Motion has been made moot by PacifiCorp's submission of its responses to Sierra Club's data requests. Therefore, the Motion should be dismissed.

⁷ PacifiCorp's 2017 IRP was acknowledged by the Commission on April 27, 2018, and the 2017 IRP Update and the Coal Analysis have been filed. Therefore, no additional filings other than the ongoing quarterly Energy Vision 2020 updates are expected in docket 67. Furthermore, the Commission opened docket LC 70 on June 12, 2018 to facilitate development and review of PacifiCorp's forthcoming 2019 IRP. PacifiCorp has commenced the public input process related to the 2019 IRP and stakeholders, including Sierra Club, have been granted intervenor status in docket LC 70 for limited purposes. It is therefore clear that docket LC 67 has concluded.

⁸ Motion, Attachment B.

Further, PacifiCorp respectfully requests that the Commission determine that the data responses were appropriately provided in docket LC 70, the company's active IRP docket and the docket in which the Commission has indicated that further consideration of the Coal Analysis will be conducted.

Respectfully submitted this 21st day of August, 2018.

By: 

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