



Portland General Electric Company
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Douglas C. Tingey
Assistant General Counsel

January 21, 2009

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention: Filing Center
550 Capitol Street NE, #215
PO Box 2148
Salem OR 97308-2148

Re: UE 196 – Portland General Electric Company Application to Amortize the Boardman Deferral

Attention Filing Center:

Enclosed for filing on behalf of Portland General Electric Company in the above-referenced docket are an original and one copy of:

PORTLAND GENERAL ELECTRIC COMPANY'S RESPONSE TO JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE

An extra copy of the cover letter is enclosed. Please date stamp the extra copy and return to me in the envelope provided.

These documents are being served upon the UE 196 service list.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "D.C. Tingey", written in a cursive style.

DOUGLAS C. TINGEY

DCT:cbm
Enclosures
cc: Service List-UE 196

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **PORTLAND GENERAL ELECTRIC COMPANY'S RESPONSE TO JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE** to be served by electronic mail to those parties whose email addresses appear on the attached service list, and by First Class US Mail, postage prepaid and properly addressed, to those parties on the attached service list who have not waived paper service from OPUC Docket No. UE 196.

Dated at Portland, Oregon, this 21st day of January, 2009.



DOUGLAS C. TINGEY

SERVICE LIST

OPUC DOCKET # UE 196

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 196**

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

Application to Amortize the Boardman
Deferral

**PORTLAND GENERAL ELECTRIC
COMPANY'S RESPONSE TO JOINT
MOTION TO SUSPEND PROCEDURAL
SCHEDULE**

Portland General Electric Company (PGE) submits this response to the Joint Motion to Suspend Procedural Schedule of the Industrial Customers of Northwest Utilities ("ICNU") and the Citizens' Utility Board of Oregon ("CUB") filed on January 15, 2009. For the reasons set forth below, the motion should be denied.

There is No Need for Suspension of the Schedule.

The motion requests that the schedule set in this docket on December 10, 2008, be suspended pending resolution of an Application for Reconsideration (the "Reconsideration Motion") filed by ICNU and CUB. The Reconsideration Motion states that it was filed under OAR § 860-014-0095. That rule provides the time for any party to respond as follows:

"Within 15 days from the date the application is filed, any party may file a reply setting forth its position on the application."

OAR § 860-014-0095(4). The rule does not provide for the moving party to file a reply pleading or for any other filings.

The deadline for PGE's response then is January 30, 2009, the same date PGE's Opening Testimony is due in this docket, which will respond the Bench Requests set forth by the Commission. PGE is prepared to meet both the deadline for responding to

this Reconsideration Motion and the deadline for responding to the Commission's Bench Requests. Since no other party has testimony due by that date, no party will be prejudiced.

Suspending the Schedule at This Point is Prejudicial.

The Reconsideration Motion was filed five weeks after the date of the Commission's Order, and only two weeks prior to the date PGE's testimony is due. During this time PGE has incurred significant expense in gathering the requested documents, preparing testimony, and responding to multiple data requests from Staff issued since the date of the order, and a request from ICNU for copies of PGE's responses to many data requests. At no time before filing this Motion did ICNU or CUB suggest to PGE that the procedural schedule should be modified. Instead, they waited until PGE's responses were nearly complete. If saving expense is the purpose of the motion to suspend the schedule, it is too late.

ICNU and CUB waited to file this motion until PGE finished a substantial portion of its work. This notwithstanding that on December 16, 2008, ICNU filed for additional intervenor funding in this docket, with the stated intention to "conduct discovery, and file testimony and briefs. In addition, ICNU will likely file a motion for reconsideration of the Commission's decision to reopen the record in this Docket."¹ The OPUC approved ICNU's Issue Fund Grant request on December 18, 2008. Yet, ICNU did not file its motion for reconsideration for four weeks after the order granting it intervenor funding. Their claims to seek to avoid costs are not supported by their actions.²

¹ *Proposed Budget for Issue Fund Grant of the Industrial Customers of Northwest Utilities*, p. 3.

² The Motion for Reconsideration is also directly contrary to CUB's prior arguments in this docket. CUB supported a motion of Staff that would hold this matter in abeyance for

CUB and ICNU's response testimony is due February 27, 2009. They may choose to await a Commission ruling, or not, during the time they have to provide testimony, but the entire schedule should not simply be suspended because they waited this long to file their motion for reconsideration.

Conclusion.

The motion for suspension of the schedule in this docket should be denied. There is no need. The Motion for Reconsideration can and should be dealt with as contemplated by the OPUC rules, and this docket should not be further delayed.

DATED this 21st day of January, 2009.

Respectfully submitted,

/S/ DOUGLAS C. TINGEY

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potentially years while litigation is being completed in Circuit Court. CUB supported that motion because of the possibility that additional information could be provided to the Commission. *Citizens' Utility Board of Oregon's Reply in Support of Staff's Motion to Hold Matter in Abeyance*. That motion has not been ruled on. In its reply in support of that motion, CUB went as far as saying that the dangers of going forward to a decision in this docket outweigh the benefits of waiting for further possible information. *Id.* at 5-6. Yet now, CUB argues that reopening the record would be a violation of due process. This will be addressed in PGE's response to the Motion for Reconsideration.