

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1121**

In the Matter of

OREGON ELECTRIC UTILITY COMPANY,  
LLC, et al.

Application for Authorization to Acquire  
Portland General Electric Company

MULTNOMAH COUNTY’S RESPONSE  
TO OREGON HOUSING AND  
COMMUNITY SERVICE PETITION TO  
INTERVENE AND MOTION TO  
INTERVENE OUT OF TIME

Intervenor Multnomah County (“County”) submits this Response to Oregon Housing and Community Services (“OHCS”) Petition to Intervene and Motion to Intervene Out of Time. The County does not object to the Petition and Motion. The County is, however, mystified by the request.

OHCS is apparently concerned about a proposed condition recommended by the County in its testimony, in which the County recommended that any order approving PGE’s acquisition by OEUC include “[a] commitment to work with the County to establish a rate reduction program as part of a portfolio of low-income energy assistance services.” Testimony of Multnomah County at 2.

It is unclear to the County how this request adversely affects the authority or operations of OHCS or the programs it oversees. The County’s proposed condition simply seeks a formal commitment from PGE/OEUC to engage in the process of exploring a rate discount program as part of a portfolio of low-income assistance programs. If it turns out for some reason that a rate discount program is not possible, including reasons related to state or federal assistance

regulations, PGE/OEUC will have met its commitment simply by engaging in the discussion. We do not request a condition that OEUC or PGE actually establish such a program, simply to work cooperatively with the County in exploring the option.

As a practical matter, it is possible that any rate discount program will require an adjustment to applicable tariffed rates – which can only be accomplished in a separate rate docket. This point highlights the fact that the County simply does not have a specific program model in mind yet. Whether any rate discount program would include LIEAP funds, OEAP funds, or a tariffed discount rate is not presently known. As noted, the County’s proposal is to develop a rate discount program “as part of a portfolio of low-income energy-assistance services.” Therefore, a conclusion by OHCS that the County’s proposal infringes on its regulatory authority over other state and federal assistance funds is premature.<sup>1</sup>

Finally, in its Motion to Intervene Out of Time, OHCS cites ORS 456.559 and 458.505 out of apparent concern that its authority under these statutes will be infringed by the County’s proposal. The County does not believe that an order directing OEUC/PGE to engage the County in exploring a rate discount program infringes on OHCS’ statutory authority.<sup>2</sup> As both a legal and practical matter, the County acknowledges the agency’s authority and the fact that any rate discount program using LIEAP or OEAP funds will require the consent of the agency. OHCS’ authority is not contested and, therefore, not a material issue in this docket. Indeed, as these statutes make clear, matters relating to the use of LIEAAP and OEAP funds are solely within the agency’s jurisdiction and not properly subject to PUC jurisdiction.

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<sup>1</sup> Similarly, whether such a program would impair any existing contracts is also significantly premature.

<sup>2</sup> OHCS failed to contact the County to explain its concerns prior to filing its Petition and Motion.

Notwithstanding these concerns, the County does not object to OHCS intervening out of time in this docket.

DATED this 8th day of September, 2004.

Respectfully submitted,

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

/s/ Christopher D. Crean

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Christopher D. Crean, OSB #94280  
Assistant County Attorney  
Of Attorneys for Multnomah County

## CERTIFICATE OF SERVICE

I certify that on September 8, 2004, I served the foregoing **MULTNOMAH COUNTY'S RESPONSE TO OREGON HOUSING AND COMMUNITY SERVICE PETITION TO INTERVENE AND MOTION TO INTERVENE OUT OF TIME** upon the parties hereto by sending a true, exact and full copy by electronic mail only and hardcopy by U.S. Mail, postage-prepaid, to those parties who do not have an email address.

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