



Nick Fish, Commissioner  
Michael Stuhr, P.E., Administrator

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August 11, 2016

**VIA ELECTRONIC FILING**

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High Street SE, Suite 100  
Salem, OR 97301-1166

Re: **OPUC Docket No. UM 1610** - *City of Portland's Comment on Portland General Electric Company's Motion to Strike Comments of City of Portland*

Dear Public Utility Commission of Oregon:

On July 27, 2016, the City of Portland filed comments in Docket No. UM 1610 (Comments). On August 2, Portland General Electric (PGE) moved to strike the City's Comments as improper.<sup>1</sup> The City contacted the Commission's administrator prior to filing its comments to confirm that they were not improper, and appreciates the Commission's consideration of the City's perspectives. The City offers the following brief rebuttal why PGE's Motion to Strike may be denied.

All of the issues discussed in the City's Comments transcend the City's current negotiations. They are generic as well as specific. For example, the City noted in its Comments that PGE, under its Schedule 202, offered indicative prices for a hydroelectric project based upon the standard rates in Schedule 201 for solar projects. This information was not available to the Commission at the time it issued Order No. 16-174, applies equally to other large QF hydro projects, and is probative regarding whether clarification is needed. The City should not be precluded from commenting in Docket No. UM 1610 just because it is negotiating a QF contract with PGE. The Commission's rules of procedure are to be liberally construed to ensure just, speedy, and inexpensive resolution of the issues presented. OAR 860-001-0000(1). All three objectives are furthered by allowing the City's Comments and by clarifying the Commission's intent (in Order No. 16-174) in the present proceeding.

If the Commission grants reconsideration, it need not limit its review to items raised by the utilities. ORS 756.561 *Rehearing* provides in part "If in the judgment of the commission, after such rehearing and the consideration of all facts, including those arising since the former hearing, the original order *is in any respect unjust or*

<sup>1</sup> PGE's Motion to Strike Comments of City of Portland, OPUC Docket No. UM 1610 at 1 (filed August 2, 2016).

*unwarranted*, the commission may reverse, change or modify the same accordingly." ORS 756.561 (emphasis added). The highlighted language allows the Commission to modify any part of the Order to correct unwarranted or unjust results, unrestricted by whether a petitioner raised the issue.

If the Commission denies reconsideration, it can nonetheless clarify its earlier Order, including items not raised by any party. The Commission's June 30, 2010 Order (Order No. 10-260) modifying Order No. 10-198 illustrates this approach. Order No. 10-198 established the framework for the solar photovoltaic pilot programs under ORS 757.365, and directed the utilities to make certain compliance filings including a tariff and application forms. Staff reviewed the filings and identified *nine* issues from Order 10-198 requiring clarification. At a public meeting, the Commission adopted Staff's recommendations and made two additional clarifications *sua sponte*. Order No. 10-260, slip op. at 2.

When the Commission issues a new major order, issues may (and do) arise requiring clarification. However not every issue that arises requires rehearing or a separate proceeding—both of which involve significant time and expense. Order No. 10-260 demonstrates the efficacy of clarifying as many issues as possible as soon as possible. The City respectfully suggests that an approach similar to Order No. 10-260 in this proceeding would most effectively resolve all of the issues raised (whether raised by Staff, a party, a non-party, or *sua sponte*) through clarification. Respectfully submitted this 11<sup>th</sup> day of August 2016.

Sincerely,



Michael Stuhler, B.E.  
Administrator  
Portland Water Bureau



Kenneth Kaufman  
Attorney for City of Portland  
OSB# 982672

cc:

Commissioner Nick Fish  
Karen Moynahan  
Gabriel Solmer  
UM No. 1610 Service List