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July 13, 2005

VIA E-FILING & FIRST CLASS MAIL

Oregon Public Utility Commission
Attn: Filing Center
550 Capitol St. NE, Suite 215
P. O. Box 2148
Salem, Oregon 97308-2148

Re: *UE 88/DR 10/UM 989*

Attention Filing Center:

Enclosed for filing in the above-referenced docket are the original and five copies of Portland General Electric Company's Opposition to Utility Reform Project's Motion to Compel. This document is being filed electronically per the Commission's eFiling policy to the electronic address PUC.FilingCenter@state.or.us, with copies being served on all parties on the service list via U.S. Mail. A photocopy of the PUC tracking information will be forwarded with the hard copy filing.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeanne M. Chamberlain', written over a horizontal line.

Jeanne M. Chamberlain

JMC/ldh
Enclosures
cc: Service List
001991\00226\640585 V001

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

DR 10, UE 88, UM 989

In the Matters of

The Application of Portland General Electric
Company for an Investigation into least Cost
Plan Plant Retirement, (DR 10)

Revised Tariffs Schedules for Electric Service
in Oregon Filed by Portland General Electric
Company, (UE 88)

Portland General Electric Company's
Application for an Accounting Order and for
Order Approving Tariff Sheets
Implementing Rate Reduction. (UM 989)

**PORTLAND GENERAL ELECTRIC
COMPANY'S OPPOSITION TO
UTILITY REFORM PROJECT'S
MOTION TO COMPEL**

Portland General Electric Company ("PGE") opposes the Utility Reform Project's ("URP") Motion to Compel. PGE has already provided URP with copies of PGE's Results of Operations Reports. These include the information URP seeks. Further, URP's motion is defective because URP failed to confer before filing. For these reasons, the motion should be denied.

URP's Data Request No. 13 asked PGE for information about its authorized and actual rate of return on common equity and rate of return on rate base.¹ Copies of PGE's responses to URP's data request are attached as Exhibit 1. PGE identified its authorized rate of return by providing copies of the relevant PUC orders and specifying the page numbers where the authorized rate of return information is found. As to its "actual" rate of return, PGE provided copies of its Results of Operations Reports for the years 1995 through 2003.

¹ URP numbered its May 6, 2005 request as Data Request No. 9, but PGE had already received 12 data requests from URP. Therefore, PGE renumbered the latest request to Request No. 13.

The documents were included in electronic form on a CD. PGE supplemented that initial response on May 13; providing Bates stamped hard copies of PGE's Results of Operations Reports for the years 1995 through 2003. PGE provided a Second Supplemental Response on July 5, 2005, including its Results of Operation for 2004. Those documents clearly state PGE's estimated rate of return on equity and ratebase on a regulated basis for each of the requested years. Because the requested information has already been provided, URP's Motion to Compel is needless and should be denied.

The motion should be denied for a second reason. The Commission's rules require that any motion regarding disputed data requests must contain a certification that the parties have conferred and been unable to resolve their dispute. OAR 860-014-0070(3). Any motion that does not contain such certification "will be denied." *Id.* Conferring before filing discovery motion serves a very real purpose. Discovery disputes can stem from misunderstandings or lack of clarity of requests or responses. Conferring allows the parties to narrow their differences and identify the areas of real dispute. This is an instance where the conferring process likely would have obviated the filing of the motion altogether. URP's Motion lacks any certification that the parties have conferred. In fact, there was no

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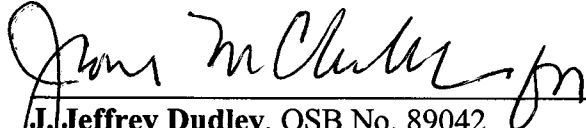
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conference concerning these data requests before the Motion was filed. URP's failure to confer provides a second reason for denial of its Motion to Compel.

DATED this 13th day of July, 2005.

PORTLAND GENERAL ELECTRIC
COMPANY

TONKON TORP LLP



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May 13, 2005

TO: Dan Meek
URP

FROM: Patrick G. Hager
Manager, Regulatory Affairs

**PORTLAND GENERAL ELECTRIC
DR-10 / UE-88 / UM-989
PGE Response to URP Data Request (No. 9)
Dated May 6, 2004
Question 013**

Request:

Please state, separately for each of the years 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004:

- a. PGE's authorized rate of return on common equity;**
- b. PGE's authorized rate of return on ratebase (equity plus debt);**
- c. The actual rate of return PGE earned on common equity;**
- c. The actual rate of return PGE earned on ratebase.**

For items C and D above, please provide all calculations that produced the result and show how the result compares with the figures reported in the corresponding FERC-1 Annual Report and Oregon Supplement.

Response:

PGE objects to this request on the basis that it is unduly burdensome. Notwithstanding the objection, PGE responds as follows:

Please see PGE's response to URP Data Request 011 for PGE's FERC Form 1's needed for comparison purposes.

- a. See OPUC Orders 95-322 Appendix E pages 2-3 and 01-777 page 36 for the requested information. The orders are included as Attachment 013-A on the enclosed CD. PGE will provide bate-stamped hard copies when available.

May 12, 2005

Page 2

- b. See PGE response to 013-A.
- c. See Attachment 013-B on the enclosed CD which contains copies of PGE's Results of Operations Report for the years 1995-2003. PGE's 2004 Results of Operations Report is scheduled to be filed on June 1, 2005. PGE will provide bate-stamped hard copies when available.
- d. See PGE response to 013-C.

Submitted by Patrick G. Hager

Bates Range: 00035335 - 00035340

Attachment 013-A on CD Bates No. 00035338

Attachment 013-B on CD Bates No. 00035340

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DR-10 / UE-88 / UM-989
Attachment 013-A on CD

OPUC Order Nos. 95-0322 and 01-777
Bates Range 00035338

DR-10 / UE-88 / UM-989
Attachment 013-B on CD

PGE's Result of Operations Reports 1995-2003
Bates Range 00035340

May 13, 2005

TO: Dan Meek
URP

FROM: Patrick G. Hager
Manager, Regulatory Affairs

**PORTLAND GENERAL ELECTRIC
DR-10 / UE-88 / UM-989
PGE 1st Supplemental Response to URP Data Request (No. 9)
Dated May 6, 2004
Question 013**

Request:

Please state, separately for each of the years 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004:

- a. PGE's authorized rate of return on common equity;**
- b. PGE's authorized rate of return on ratebase (equity plus debt);**
- c. The actual rate of return PGE earned on common equity;**
- c. The actual rate of return PGE earned on ratebase.**

For items C and D above, please provide all calculations that produced the result and show how the result compares with the figures reported in the corresponding FERC-1 Annual Report and Oregon Supplement.

Response:

PGE objects to this request on the basis that it is unduly burdensome. Notwithstanding the objection, PGE responds as follows:

Please see PGE's response to URP Data Request 011 for PGE's FERC Form 1's needed for comparison purposes.

- a. See OPUC Orders 95-322 Appendix E pages 2-3 and 01-777 page 36 for the requested information. The orders are included as Attachment 013-A on the enclosed CD. PGE will provide bate-stamped hard copies when available.

May 13, 2005

Page 2

- b. See PGE response to 013-A.
- c. See Attachment 013-B on the enclosed CD which contains copies of PGE's Results of Operations Report for the years 1995-2003. PGE's 2004 Results of Operations Report is scheduled to be filed on June 1, 2005. PGE will provide bate-stamped hard copies when available.
- d. See PGE response to 013-C.

Supplemental Response (5/13/05)

Attachment 013-C is a bate-stamped hard copy of OPUC Orders 95-322 Appendix E pages 2-3 and 01-777 page 36.

Attachment 013-D is a bate-stamped hard copy of PGE's Results of Operations Report for the years 1995-2003.

Submitted by Patrick G. Hager

Bates Range: 00038306 – 00038879

Attachment 013-C on CD Bates No. 00038309 - 00038625

Attachment 013-D on CD Bates No. 00038626 - 00038879

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DR-10 / UE-88 / UM-989
Attachment 013-C (hard copy)

OPUC Order Nos. 95-0322 and 01-777
Bates Range 00038309 - 00038450

DR-10 / UE-88 / UM-989
Attachment 013-D (hard copy)

PGE's Result of Operations Reports 1995-2003
Bates Range 00038627 – 000/*38879

July 5, 2005

TO: Dan Meek
URP

FROM: Patrick G. Hager
Manager, Regulatory Affairs

**PORTLAND GENERAL ELECTRIC
DR-10 / UE-88 / UM-989
PGE 2nd Supplemental Response to URP Data Request (No. 9)
Dated May 6, 2004
Question 013**

Request:

Please state, separately for each of the years 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004:

- a. PGE's authorized rate of return on common equity;
- b. PGE's authorized rate of return on ratebase (equity plus debt);
- c. The actual rate of return PGE earned on common equity;
- d. The actual rate of return PGE earned on ratebase.

For items C and D above, please provide all calculations that produced the result and show how the result compares with the figures reported in the corresponding FERC-1 Annual Report and Oregon Supplement.

Response:

PGE objects to this request on the basis that it is unduly burdensome. Notwithstanding the objection, PGE responds as follows:

Please see PGE's response to URP Data Request 011 for PGE's FERC Form 1's needed for comparison purposes.

- a. See OPUC Orders 95-322 Appendix E pages 2-3 and 01-777 page 36 for the requested information. The orders are included as Attachment 013-A on the enclosed CD. PGE will provide date-stamped hard copies when available.

July 5, 2005

Page 2

- b. See PGE response to 013-A.
- c. See Attachment 013-B on the enclosed CD which contains copies of PGE's Results of Operations Report for the years 1995-2003. PGE's 2004 Results of Operations Report is scheduled to be filed on June 1, 2005. PGE will provide bate-stamped hard copies when available.
- d. See PGE response to 013-C.

Supplemental Response (5/13/05)

Attachment 013-C is a bate-stamped hard copy of OPUC Orders 95-322 Appendix E pages 2-3 and 01-777 page 36.

Attachment 013-D is a bate-stamped hard copy of PGE's Results of Operations Report for the years 1995-2003.

Supplemental Response (7/5/05)

Attachment 013-E on the enclosed CD of PGE's Results of Operations Report for the year 2004, filed June 1, 2005. Attachment F is a bate-stamped hard copy of the same report.

Submitted by Patrick G. Hager

Bates Range: 00038880 - 00038882

Attachment 013-E on CD Bates No. 00038883

Attachment 013-F Bates No. 00038884 - 38909

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DR-10 / UE-88 / UM-989
Attachment 013-E on CD

PGE Results of Operations - 2004
Bates Range 00038883

DR-10 / UE-88 / UM-989
Attachment 013-F (hard copy)

PGE's Result of Operations Report 2004
Bates Range 00038885 - 00038909

CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing **PORTLAND GENERAL ELECTRIC COMPANY'S OPPOSITION TO UTILITY REFORM PROJECT'S MOTION TO COMPEL** by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each party listed below and depositing in the U.S. mail at Portland, Oregon.

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DATED this 13th day of July, 2005.

TONKON TORP LLP

By 
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Attorneys for Portland General Electric Company

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