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2 **BEFORE THE PUBLIC UTILITY COMMISSION**
3 **OF OREGON**

4 UE 180/UE 181

5 In the Matter of)
6 PORTLAND GENERAL ELECTRIC)
COMPANY)
7 Request for a General Rate Revision.)
8 (UE 180),)

LEAGUE OF OREGON CITIES’
APPLICATION FOR
CASE-CERTIFICATION TO BE
ELIGIBLE TO REQUEST AN
ISSUE FUND GRANT

9
10 In the Matter of)
11 PORTLAND GENERAL ELECTRIC)
COMPANY)
12 Annual Adjustments to Schedule 125)
(2007 RVM Filing). (UE 181).)

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14 Pursuant to OAR 860-12-0100(4) and Section 5.3 of the Intervenor Funding Agreement
15 dated February 5, 2003 (“IFA”) and approved by the Public Utility Commission of Oregon
16 (“Commission”) pursuant to Order 03-388 (July 2, 2003), the League of Oregon Cities (the
17 "League") hereby files this application for case-certification by the Commission so as to become
18 eligible to receive an Issue Fund Grant. In support of this application, the League provides the
19 following information demonstrating that it meets the criteria for case-certification set forth in
20 OAR 860-12-0100(4) and Section 5.3 of the IFA.

21 **I. Background**

22 On March 15, 2006, Portland General Electric Company (“PGE”) filed a request
23 for a general retail rate increase of 8.9 percent. This filing was docketed as UE 180. On March
24 28, 2006, PGE filed a request to implement its 2007 Resource Valuation Mechanism (Schedule
25 125) adjustment. This latter filing was docketed as UE 181. At a prehearing conference held on
26

1 April 4, 2006, the parties to these two proceedings agreed to consolidate them and established a
2 joint schedule for the consolidated docket. Pursuant to the Prehearing Conference Report issued
3 April 5, 2006 by ALJ Christina M. Smith, the deadline to file a petition to intervene in these
4 proceedings was set as May 12, 2006.

5 Section 6.1 of the IFA provides that a request for an Issue Fund Grant may only be made
6 in a proceeding that qualifies as an “Eligible Proceeding” under Article 1. The IFA defines an
7 Eligible Proceeding as “any Commission proceeding that directly affects one or more of the
8 Participating Public Utilities, including but not limited to . . . adjudications and contested cases . .
9 .” IFA, Section 1(c). Section 1(k) of the IFA defines “Participating Public Utility” to include
10 PGE. Since both UE 180 and UE 181 will directly affect the rates that a Participating Public
11 Utility (PGE) may charge and collect, they are Eligible Proceedings and a request for an Issue
12 Fund Grant may be made in connection therewith.
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16 **II. The League Satisfies the Case-Certification Criteria Set Forth in OAR 860-012-
17 0100(4).**

18 Founded in 1925, the League is an intergovernmental entity whose membership is
19 comprised of two hundred forty one (241) individually-incorporated municipalities located
20 throughout Oregon. The League’s membership includes 52 cities that receive electric service
21 from Portland General Electric (“PGE”). Exhibit 1 to this Petition contains a listing of those 52
22 PGE-served cities and provides for their respective population estimates from the 2004 federal
23 census.

24 The League serves its member cities by providing them a variety of services. These
25 services include research, education and training on topics relating to municipal business and
26

1 governmental operations. The League has provided policy advocacy for its members before a
2 wide array of legislative bodies and administrative agencies, including the Commission on
3 numerous occasions.

4 The League meets each of the criteria for grant eligibility set forth in OAR 860-012-
5 0100(4)(a-f) and Articles 5.3(a-f) of the IFA, as follows:

6 860-012-0100(4)(a):

7 The organization represents the interests of a broad group or class of
8 customers and its participation in the proceeding will be primarily directed
9 at public utility rates and terms and conditions of service affecting that
10 broad group or class of customers, and not narrow interests or issues that
11 are ancillary to the impact of the rates and terms and conditions of service
12 to the customer group;

13 In the last few years the cities served by PGE have experienced a series of rate
14 increases. This has resulted in a heightened awareness of the need to have an entity actively
15 engaged to protect their interests and those of their citizens. The League has been asked to help
16 mitigate the detrimental economic and other consequences that rising energy costs are having on
17 cities and their constituents. The League has filed for intervention and intends to participate in
18 these proceedings so that it can fulfill that charge.

19 By actively participating in UE 180 and UE 181, the League will have an opportunity to
20 benefit the broad group of cities served by PGE, while also benefiting all of PGE's small and
21 large commercial customers. The League has gathered information from its members regarding
22 their load profiles and provided assistance to them as they assessed the impacts that various rate
23 proposals could have on their operations and their communities. These assessments have
24 demonstrated that not only do municipalities have an interest in ensuring charges for street lights
25 and similar specialized tariffs are sufficiently scrutinized, cities also have numerous operations
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1 that function as small and large commercial loads. To the best of the League's knowledge and
2 belief, no other party has to date intervened in these proceedings with the intention of providing
3 a majority of their focus on these customer groups.

4
5 860-012-0100(4)(b):

6 The organization demonstrates that it is able to effectively represent the
7 particular class of customers it seeks to represent;

8 The League has a proven ability to effectively represent PGE's municipal customers on
9 issues specific to cities. The League believes that because cities have consumptive patterns that
10 are often similar to many types of general commercial loads, many members of the general
11 commercial customer class will benefit if the League expands its participation to focus on these
12 areas of similarity. Such an expansion is possible in part because the League is already
13 employing representatives experienced in proceedings of this nature. The League's authorized
14 representative, Andrea Fogue, has participated in numerous proceedings before the Commission,
15 filing testimony and comments on broad policy issues as well as areas specifically focused on
16 municipalities. Similarly, the League has engaged legal counsel with over ten years experience
17 in Commission proceedings. In addition, the League's counsel remains actively engaged in
18 advising clients on energy transactions occurring at both the wholesale and retail level.
19

20 860-012-0100(4)(c):

21 The organization's members who are customers of one or more of the utilities
22 affected by the proceeding that are parties to the agreement contribute a
23 significant percentage of the overall support and funding of the organization;

24 The League's members who are PGE customers contribute a significant percentage of the
25 League's overall support and funding. The source of the League's overall funding is contributed
26 by its member cities in proportion to their total population. Due to this methodology and the fact

1 that PGE serves the most populated portions of the state, the League's fifty two (52) cities served
2 by PGE contribute a significant percentage of the overall support and funding of the
3 organization.
4

5 860-012-0100(4)(d):

6 The organization demonstrates, or has demonstrated in past Commission
7 proceedings, the ability to substantively contribute to the record on behalf of
8 customer interests related to rates and the terms and conditions of service,
including in any proceeding in which the organization was case-certified
and received a grant

9 The League has actively participated in many complex proceedings before the
10 Commission, including the following which are either ongoing or recently concluded: AR 394,
11 AR 421, AR 498, AR 499, AR 506, UE 115, UE 116, UE 118, UE 119, UM 1121 and UM 1209.
12 The League has sponsored testimony on matters involving rate setting¹ and franchise issues.²
13 among other things. In past Commission proceedings the League has demonstrated the ability to
14 substantively contribute to the record on behalf of customer interests related to rates and the
15 terms and conditions of service.
16

17 860-012-0100(4)(e):

18 The organization demonstrates that:

- 19 (A) No precertified intervenor participating in the proceeding adequately represents
20 the specific interests of the class of customers represented by the organization
related to rates and terms and conditions of service; or
21 (B) The specific interests of a class of customers will benefit from the
organization's participation; and
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25 ¹ See, e.g., In UE 115, the League participated in filing the Joint Testimony of the City of Portland, League of
Oregon Cities and Portland General Electric: Witnesses: Tooze, Sanger, Graham - Fogue - Cardwell/100/1-7; with
supporting stipulation. Faxed by A.W. Turner. Hard copy received 6/7/01.

26 ² See e.g., the recently concluded *In the Matter of MidAmerican Energy Holding Company & PacifiCorp*
Application for Authorization to Acquire PacifiCorp, OPUC Docket No. UM 1209.

1 No other party or pre-certified intervenor adequately represents the specific interests of
2 cities, nor do they demonstrate a focused effort on analyzing the impact of rate proposals such as
3 that being offered in these proceedings on the commercial customer class. Specifically, the pre-
4 certified intervenors, the Citizen’s Utility Board (“CUB”) and the Industrial Customers of
5 Northwest Utilities (“ICNU”) focus their efforts almost entirely on the residential and industrial
6 consumers who are their main constituency. Accordingly, cities and commercial consumers with
7 load profiles similar to cities would benefit by having an entity actively representing their unique
8 interests.
9

10 860-012-0100(4)(f):

11 The organization demonstrates that its request for case-certification will
12 not unduly delay the schedule of the proceeding

13 The League’s request for case-certification is being filed in compliance with the
14 procedural schedule agreed to by the parties, and will not unduly delay the schedule of these
15 proceedings.
16

17 WHEREFORE, the League respectfully requests that the Commission grant this
18 Application for Case-Certification to be Eligible to Request an Issue Fund Grant.
19

20 DATED this 12th day of May, 2006.
21

22 /s/ Jim Deason

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Attorney for the League of Oregon Cities

Exhibit 1

CITIES SERVED BY PORTLAND GENERAL ELECTRIC

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City:	Population (2004 Census):	City:	Pop. (2004 Census):
Amity	1,480	Milwaukie	20,590
Aurora	660	Molalla	5,930
Banks	1,430	Mt. Angel	3,600
Barlow	140	Newberg	19,910
Beaverton	79,350	North Plains	1,650
Carlton	1,560	Oregon City	28,370
Cornelius	10,150	Portland	550,560
Dayton	2,230	Rivergrove	340
Damascus	9,670	St. Helens	11,370
Donald	660	St. Paul	400
Dundee	2,900	Salem	143,700
Durham	1,400	Sandy	6,350
Estacada	2,450	Scotts Mills	300
Fairview	9,250	Sheridan	5,620
Gaston	620	Sherwood	14,190
Gervais	2,130	Silverton	8,060
Gladstone	12,140	Tigard	44,650
Gresham	94,250	Troutdale	14,380
Happy Valley	6,640	Tualatin	24,940
Hillsboro	79,940	Turner	1,480
Hubbard	2,750	West Linn	23,970
Johnson City	630	Willamina	1,850
Keizer	34,380	Wilsonville	16,250
King City	2,100	Woodburn	21,590
Lafayette	3,060	Wood Village	2,870
Lake Oswego	35,930	Yamhill	820

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing LEAGUE OF OREGON CITIES' APPLICATION FOR CASE-CERTIFICATION TO BE ELIGIBLE TO REQUEST AN ISSUE FUND GRANT to be served upon each party listed below, by email, or, when not available, by mail, postage prepaid, and upon the Commission by email and by sending the original plus (1) copy by U.S. mail, postage prepaid, to the Commission's Salem offices.

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DATED this 12th day of May, 2006.

/s/ **Jim Deason**

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