

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

3 UM 1121

4 In the Matter of OREGON ELECTRIC
5 UTILITY COMPANY, LLC, et al.,
6 Application for Authorization to Acquire
Portland General Electric Company

MOTION TO SUBMIT LATE-FILED EXHIBIT

7 **INTRODUCTION**

8 The Public Utility Commission of Oregon staff (“Staff”) respectfully moves for the
9 admission of its late-filed draft Master Services Agreement (“MSA”) exhibit, including its
10 supporting testimony and stipulation. Staff’s motion to introduce evidence at this late stage in
11 the proceedings is limited to its previously stated intention to introduce the draft MSA, including
12 its supporting testimony and stipulation.

13 **ANALYSIS**

14 In staff’s surrebuttal testimony, it noted that the parties had not yet finalized the draft
15 MSA and that, when finalized, staff would file the draft MSA as a late-filed exhibit. *See*
16 Staff/1100, Hathorn/4-5. The proposed late-filed exhibit is the finalized draft MSA that staff
17 previously testified it would file as a late-filed exhibit.

18 Oregon Electric Utility Company (“OEUC”) and Portland General Electric Company
19 (“PGE”), along with staff, have agreed through stipulation to the admissibility of the draft MSA.
20 Staff notes that both the Applicants and staff propose a Condition 34 that requires the applicants
21 to file a MSA, which includes agreed-upon terms and conditions (*i.e.* the draft MSA filed as a
22 late-filed exhibit), no later than 30 days after a final order in UM 1121 is issued approving the
23 transaction. *See* Staff Opening Brief, Attachment A; Oregon Electric/501, Davis/9.

24 In its opening testimony, staff noted that OEUC had not yet submitted a proposed MSA.
25 *See* Staff/400, Hathorn/2. Staff testified that it was essential to review the proposed MSA prior
26 to approval of the acquisition in order to evaluate the risks of the transaction. *See Id.* at 2-3. In

1 its surrebuttal testimony, staff noted that while several parties had been working on a draft MSA,
2 agreement had not yet been reached on the draft MSA. Staff, however, did anticipate that a final
3 version of the MSA would be completed and agreed to and that staff would submit the draft
4 MSA as a late-filed exhibit. *See* Staff/1100, Hathhorn/4-5. The admission of the late-filed
5 MSA, along with Condition 34, provide certainty in what a future MSA filing will look like if
6 the transaction is approved.

7 Staff's motion is limited to its previously stated intention to file the draft MSA. Staff
8 notes that the draft MSA has been a continuing project during these proceeding and that staff
9 notified, through testimony, the other parties of its intention to file the draft MSA as a late-filed
10 exhibit. While staff understands that the record in this proceeding is closed, it respectfully
11 requests the admission of the draft MSA because of its previously-stated intention to file the
12 draft MSA as a late-filed exhibit. In addition, both OEUC and PGE have agreed to the
13 admission of the late-filed exhibit. Finally, staff notes that the admission of the late filed exhibit
14 requires no further action in docket UM 1121. Rather, its admission simply creates the draft
15 MSA referred to in Condition 34 and obligates the Applicants to file the draft MSA if the
16 transaction is approved.

17 For the foregoing reasons, staff respectfully requests the admission of the late filed
18 exhibit, including its supporting testimony and stipulation.

19

20 DATED this _____ day of December 2004.

21

Respectfully submitted,

22

HARDY MYERS
Attorney General

23

24

25

Jason W. Jones, #00059
Assistant Attorneys General
Of Attorneys for the Public Utility Commission
of Oregon

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26