

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 2114

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	MOTION OF SMALL BUSINESS
OREGON)	ADVOCATES FOR LEAVE TO REPLY
)	OUT OF TIME TO OREGON
Investigation into the Effects of the COVID-19)	CITIZENS UTILITY BOARD
)	EXPEDITED CONSIDERATION
)	REQUESTED

I. INTRODUCTION

Pursuant to OAR 860-001-0420, Small Business Utility Advocates (“SBUA”) moves the Administrative Law Judge to allow SBUA to file a Reply to the Oregon Citizen’s Utility Board of Oregon (“CUB”) Response to the Petition for Designation of Docket as an Eligible Proceeding (“Petition”) of the Small Business Utility Advocates (“SBUA”). CUB’s filing purported to file jointly with the Alliance of Western Energy Consumers (“AWEC”) however AWEC is not a party to the docket. SBUA proposes to file this Reply by March 2, 2022.

2. BACKGROUND

On January 28, 2022, pursuant to the Fourth Amended and Restated Intervenor Funding Agreement¹ SBUA filed a Petition for Designation of Docket as an Eligible Proceeding and Proposed Budget.² On February 14, 2022, CUB and AWEC filed a Response to the SBUA’s Petition, and on February 16, 2022, the Chief Administrative Law Judge (“ALJ”) filed a Bench Request to SBUA requesting various information that was similar to allegations in the Response.

¹ Approved by Public Utility Commission of Oregon Order 18-017, and hereinafter (“IFA”).

² OAR 860-001-420 and IFA Article 1 (c)(v).

On February 25, 2022 SBUA timely submitted its Response to the ALJ Bench Request.³ SBUA seeks leave now to file a Reply to the Response even though such Reply would be over seven days after February 14, 2022.

3. ARGUMENT

a. The ALJ has the discretion to grant leave to file the Reply pursuant to Commission rules⁴, and this is a time when the ALJ should allow a later filing. and should do so under these circumstances. The Reply of SBUA necessarily would incorporate reference to or information that is now submitted to the ALJ but, even though filed timely with confirmation of receipt issued, even the non-confidential part was not circulated to the docket service list until March 1, 2022. It is fair and reasonable to allow SBUA time to file a Reply.

b. OAR 860-001-0420(2) conference:

Pursuant to OAR 860-001-0420(2), SBUA has consulted with CUB with regard to an extension, and CUB X does not oppose ___ opposes.⁵

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³ The submission was not posted in the dockets but confirmation of receipt is on file with SBUA.

⁴ OAR 860-001-0090(1)(h) and(m).

⁵ AWEC is not a party to the docket but is served and copied.

4. CONCLUSION

For the foregoing reasons, the ALJ should grant this leave to file a Reply to be filed by March 2, 2022.

RESPECTFULLY SUBMITTED March 1, 2022.



s/ Diane Henkels

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