

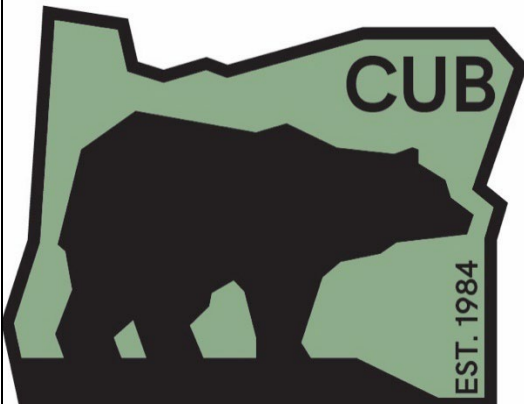
**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 399

In the Matter of)
)
PACIFICORP, dba PACIFIC POWER,)
)
Request for a General Rate Revision.)
_____)

**OPENING BRIEF
OF THE
OREGON CITIZENS' UTILITY BOARD**

October 13, 2022



**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 399

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| PACIFICORP, dba, PACIFIC POWER, |) | OPENING BRIEF OF THE OREGON |
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| Request for a General Rate Revision. |) | |
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| _____ |) | |

Pursuant to Administrative Law Judge (ALJ) Mapes' October 6, 2022 Ruling, the Oregon Citizens' Utility Board (CUB) hereby submits its Opening Brief in the above-captioned consolidated proceedings. In this Brief, CUB responds to arguments raised by Calpine Energy Solutions, LLC (Calpine) and PacifiCorp (PAC or the Company) in their respective pre-filed Rebuttal and Surrebuttal Testimonies. ALJ Mapes' Ruling established a bifurcated schedule for the remainder of this proceeding. The sole issue addressed in this procedural track is Calpine's proposal to enable a direct access customer participating in the three-year opt-out program to switch to the five-year opt-out program prior to the end of the customer's three-year opt-out term without being subject to the Returning Service Payment or other penalty.¹

Upon review of the evidentiary record, CUB respectfully urges the Public Utility Commission of Oregon (Commission) to reject Calpine's proposal. CUB agrees with PAC that Calpine's proposal raises significant policy issues related to the Company's direct access program that would be better addressed in the AR 651 or UM 2024 direct access investigation

¹ UE 399 – Calpine Solutions/100/Higgins/3, lines 20-23, 4, and 9-16.

proceedings.² Since there are more appropriate venues to address Calpine’s significant proposed policy change, CUB requests that the Commission reject the proposal brought forward in this proceeding.

Further, Calpine has failed to meet its burden to produce sufficient evidence to demonstrate that its proposed change is reasonable, would not cause unwarranted cost shifting in contravention of ORS 757.607, or would result in just and reasonable rates. As PAC notes, “the transition adjustments and consumer opt-out charges can change significantly from year-to-year[,]” which could enable a direct access customer to cherry-pick when more advantageous transition adjustments or consumer opt out charges were available in the five-year program.³ The purpose of transition adjustments is to prevent unwarranted cost shifting from direct access customers to cost-of-service customers.⁴ Calpine’s proposal was brought late in the proceeding, and is not accompanied by sufficient evidence to prove that it would not result in unwarranted cost shifting.

For the foregoing reasons, CUB respectfully requests that the Commission reject Calpine’s proposal that would represent a significant change to the Company’s current direct access program.

Dated this 13th day of October, 2022.

Respectfully submitted,

² UE 399 – PAC/3000/Meredith/11.

³ *Id.* at 11-12.

⁴ *In re Pacific Power & Light Company (dba PacifiCorp)*, OPUC Docket No. UE 170, Order No. 05-1050 (Sep. 28, 2005) (“[T]his process should result in transition adjustment rates that prevent unwarranted cost shifts between utility investors and direct access customers.”) (“The purpose of the TAM is not to promote direct access, as ICNU would have us do. Rather, the TAM is to capture costs associated with direct access, and prevent unwarranted cost shifting.”).

A handwritten signature in blue ink, appearing to read "Michael P. Goetz".

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