

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 178

In the Matter of OREGON PUBLIC UTILITY )  
COMMISSION STAFF directing: )  
 )  
PORTLAND GENERAL ELECTRIC )  
COMPANY )  
 )  
To file tariffs establishing automatic adjustment )  
clauses under the terms of SB 408. )

**RULING**

**DISPOSITION: MOTION TO TAKE OFFICIAL  
NOTICE GRANTED**

On November 7, 2007, Portland General Electric Company (PGE) filed a motion asking the Public Utility Commission of Oregon (Commission) to take official notice of Commission Order No. 07-421. In that order, the Commission denied PGE's request to defer, for later rate-making treatment, tax losses associated with the sale of non-utility assets. PGE made the filing based on its belief that the tax benefit relating to the sale of the non-utility assets would be passed through to customers under the provisions of Senate Bill 408, even though customers did not pay for any costs associated with the assets. In denying the request for a deferral, the Commission rejected, as premature, PGE's arguments that such transfer of benefits would violate constitutional principles.

PGE now asks the Commission to take official notice of Order No. 07-421. PGE contends that incorporating the facts from that decision in this proceeding is necessary for PGE to renew its constitutional defenses to the application of SB 408 to the sale of the non-utility assets. PGE states that Commission rules expressly provide for the taking of official notice of Commission orders. *See* OAR 860-014-0050(1)(c). It adds that it has conferred with other parties to this proceeding and that none oppose the motion.

PGE's motion is granted. Any party may object to the facts noticed within 15 days of this ruling. *See* OAR 860-014-0050(2).

Dated at Salem, Oregon, this 8th day of November, 2007.

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Michael Grant  
Chief Administrative Law Judge