

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 262

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

RULING

Request for a General Rate Revision.

DISPOSITION: MOTION GRANTED; PROCEEDINGS BIFURCATED; NEW DOCKET TO BE OPENED WITH SEPARATE SCHEDULE, CURRENT PARTIES, AND SUBJECT TO THE EXISTING GENERAL PROTECTIVE ORDER

Background.

On February 15, 2013, Portland General Electric Company filed tariff sheets in Advice No. 13-03, to be effective March 17, 2013. By Order No. 13-052, the Commission suspended the tariff sheets and ordered that a proceeding be opened to examine the company's request for a general rate revision. A prehearing conference was held on March 4, 2013, at which the parties proposed a schedule for the proceedings. The administrative law judge issued a memorandum and ruling on March 6, 2013, adopting that schedule in part. Entities that are currently parties in this proceeding are: the Citizens' Utility Board of Oregon; the Industrial Customers of Northwest Utilities; Noble Americas Energy Solutions LLC; the League of Oregon Cities (the League); Troutdale Energy Center, LLC (TEC); Northwest Natural Gas Company, dba NW Natural; and PacifiCorp, dba Pacific Power.

Staff Motion.

On March 7, 2013, Commission Staff filed a motion requesting that the portion of the case related to the company's Net Variable Power Costs (NVPC) and its Annual Power Cost Update (APCU) be examined in a separate docket on a more accelerated schedule. Staff represents that none of the parties in the proceeding oppose the motion. In support of the motion, Staff states

[A] mid-October decision date is consistent with [the company's] APCU Tariff (Schedule 125), its Annual Short-term Transition Adjustment Tariff (Schedule 128), and the November 2013 open access window. * * *
Although it is possible to set parallel schedules in UE 262 to allow a more

expedited resolution of NVPC issues, Staff and some other parties prefer moving the NVPC issues to a separate docket to reduce confusion.¹

Staff seeks a more general ruling than simply bifurcating issues related to PGE exhibits 400-402; it wishes to address issues related to PGE's NVPC and APCU included in those exhibits and in Schedule 125 currently included in the PGE general rate request.² The motion includes a proposed schedule for the new docket and requests that all entities currently party to these proceedings be considered parties in the new docket without filing further petitions to intervene, and that the protective order currently in place in this docket be applicable to the new docket as well.³

Discussion.

I find that good cause exists to grant the motion and the schedule and requests therein. The proceedings will not be delayed and no party will be disadvantaged by granting the motion.

RULING

1. The Motion to Bifurcate Proceeding filed by the Staff of the Public Utility Commission of Oregon is granted in its entirety.
2. The issues in this proceeding related to Portland General Electric Company's Net Variable Power Costs and its Annual Power Cost Update shall be investigated in a separate docket (NVPC/APCU docket).
3. All of the parties in this docket are hereby made parties in the NVPC/APCU docket.⁴
4. Order No. 13-042, General Protective Order, issued in this docket shall be in full force and effect in the NVPC/APCU docket and all parties' commitments to comply with the General Protective Order as reflected by the submission of signature pages relative thereto shall be applicable to both dockets.

¹ Staff Motion at 1 (Mar 7, 2013).

² *Id.* at 1-2.

³ Order No. 13-042 (Feb 11, 2013).

⁴ By statute, a person may petition to intervene at any time before the close of the record and may file to appear in the NVPC/APCU docket even though not currently a party in Docket UE 262. See ORS 756.525.

5. The following schedule for the NVPC/APCU docket is adopted:

EVENT	DATE
PGE files MONET Update	April 1, 2013
Settlement Conference ⁵	May 7, 2013
Staff and Intervenors file Reply Testimony	May 21, 2013
Settlement Conference	June 5, 2013
PGE files Rebuttal Testimony	June 11, 2013
Staff and Intervenors file Surrebuttal Testimony	June 25, 2013
PGE Files Sur-Surrebuttal Testimony & MONET Update	July 16, 2013
Hearing	July 30, 2013
PGE files MONET Update	October 1, 2013
Commission Decision (Target Date)	October 21, 2013
PGE Files MONET Update	November 5, 2013
PGE Files Final MONET Update	November 15, 2013
Effective Date	January 1, 2014

The parties have agreed to a five business day turn-around on data request responses after June 11, 2013 in the NVPC/APCU docket.

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.⁶

Dated this 11th day of March, 2013, at Salem, Oregon.


Allan J. Arlow
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁵ Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule workshops or settlement conferences.

⁶ See UTCR 3.170, OAR 860-001-0320.

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in this proceeding will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission staff, if participating in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified, and present evidence and witnesses on those issues. See OAR 860-001-0450 to OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. See ORS 756.538 and 756.543; OAR 860-001-0500 to 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. See OAR 860-001-0450(1)(b). Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The ALJ's draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days. See ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days. See ORS 756.610.