

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 374

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Request for a General Rate Revision.

RULING

DISPOSITION: TESTIMONY AND EXHIBITS ADMITTED; RECORD CLOSED

On September 2, 9, 15, 16, 17 and 18, 2020, each of the parties to this proceeding filed motions to admit their respective testimony and exhibits into the record. Additionally, on August 17, 2020, Staff of the Public Utility Commission of Oregon; the Alliance of Western Energy Consumers; Calpine Energy Solutions, LLC; ChargePoint, Inc.; Fred Meyer Stores, Inc. a subsidiary of The Kroger Co. and Quality Food Centers, a Division of the Fred Meyer Stores, Inc.; Klamath Water Users Association; Oregon Farm Bureau Federation; the Oregon Citizens' Utility Board (CUB); Small Business Utility Advocates; Tesla, Inc.; Vitesse, LLC; and Walmart, Inc. (stipulating parties), filed a partial stipulation regarding rate spread and rate design. On September 24, 2020, PacifiCorp filed a response to CUB's motion to admit, opposing the inclusion of exhibit CUB/500 into the record. On September 30, 2020, CUB filed a reply. No other parties opposed the admission of any testimony or exhibits.

CUB seeks to admit CUB/500, a journal article about fuel cost programs that modify traditional fuel cost pass-through programs. CUB asserts this article is evidence supporting its argument that the current Power Cost Adjustment Mechanism (PCAM) creates an incentive to reduce fuel costs and other variable costs through the deadbands, earnings test, and sharing mechanism. PacifiCorp argues that CUB/500 is improper as a cross-examination exhibit because CUB did not establish a foundation at hearing, and it is improper as a supplementary exhibit to CUB's pre-filed testimony because it was filed after the parties had filed all rounds of testimony. PacifiCorp filed supplementary testimony of Mr. Graves in response to CUB/500. CUB believes that Mr. Graves supplementary testimony goes beyond the scope of CUB/500.

I will admit CUB/500 and PAC/4600, supplemental rebuttal testimony of Mr. Graves. Our rules state that evidence may be excluded if the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. OAR 860-001-0450. I find that allowing CUB/500 and PAC/4600 in the record does not create prejudice, confuse the issues or cause delay. Any procedural concerns with the late timing of CUB's filing of CUB/500 are mitigated by the admission of PAC/4600 which allowed PacifiCorp to respond to the exhibit.

On November 12, 2020, Staff filed a motion to supplement the record with attachments to data requests inadvertently omitted from prior filings. No party objected to Staff's motion. On December 4, 2020, PacifiCorp filed a motion for leave to file a surreply to AWEC's December 2, 2020 reply. No party objected to PacifiCorp's motion. Staff and PacifiCorp's motions are granted.

I take official notice under OAR 860-001-0460(1)(d) of PacifiCorp's responses to bench requests on November 13, 19, 25, and December 2, 2020, AWEC response to a bench request on November 25, 2020, AWEC's reply on December 2, 2020, PacifiCorp's surreply on December 4, 2020, CUB's reply on December 7, 2020, docket No. UM 1050, PAC/100, PAC/101, docket No. LC 70, PacifiCorp IRP, Volume 1, Table 5.2, and PacifiCorp's February 21, 2020, 2019 Securities and Exchange Commission Form 10-K. The facts referenced in this series of filings are not the subject of dispute because they are generally known to all parties or can be accurately and readily determined from various external publications, state and federal government filings, and other reports.¹

I find the partial stipulation, testimony, and exhibits offered by the parties and supported by declarations of the witnesses and the stipulating parties' prehearing briefs meet the standards for relevance as required by OAR 860-001-0450(1) and satisfy the requirements of OAR 860-001-0480. The stipulation, testimony, and other exhibits are admitted into the record as identified in the parties' motions.

The record is closed.

Dated this 16th day of December, 2020 at Salem, Oregon.



Alison Lackey
Administrative Law Judge

¹ Consistent with OAR 860-001-0460, a party to this proceeding is entitled to be heard on the propriety of taking official notice and the nature of the facts noticed, and may object to the facts noticed within 15 days.