

September 22, 2004

Ms. Annette Taylor
Oregon Public Utility Commission
P.O. Box 2148
Salem, OR 97308-2148

Re: In the Matter of Oregon Electric Utility Company, LLC, et
al., Application for Authorization to Acquire Portland
General Electric Company

Dear Ms. Taylor:

Enclosed please find an original and five copies of the
Surrebuttal Testimony of Thomas James (Jim) Abrahamson on behalf of
the Community Action Directors of Oregon and the Oregon Energy
Coordinators Association in the above-captioned Docket.

Thank you for your assistance.

Sincerely,

/s/ Thomas James (Jim) Abrahamson

Thomas James (Jim) Abrahamson

Enclosures

cc: Service List

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1121

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| In the Matter of |) | |
| |) | |
| OREGON ELECTRIC UTILITY |) | SURREBUTTAL TESTIMONY OF THE |
| COMPANY, LLC, et al., |) | COMMUNITY ACTION DIRECTORS OF |
| |) | OREGON and the OREGON ENERGY |
| Application for Authorization to Acquire |) | COORDINATORS ASSOCIATION |
| Portland General Electric Company |) | |
| _____ |) | |

17 This surrebuttal testimony is submitted on behalf of the Community Action Directors of
18 Oregon and the Oregon Energy Coordinators Association (CADO-OECA) who are intervenors
19 and have previously filed direct testimony in the named docket. This surrebuttal is submitted by
20 Thomas James (Jim) Abrahamson whose qualifications can be found at CADO-OECA Exhibit
21 101.

22

I. Applicant's Response to Our Initial Testimony

24 While we appreciate the recognition by Oregon Electric of the importance of working
25 closely with low income advocates on behalf of PGE's low-income customers, applicant's
26 official response to the heart of our request -- a substantial increase in the amount of money
27 made available to assist low income customers -- remains negligible¹. We consider the offer by
28 OEUC to increase PGE's total annual cash donations to Oregon HEAT to \$100,000 per year to
29 be inadequate to meet a standard of net public benefit.

30

¹ Rebuttal Testimony of Kelvin L. Davis on behalf of Oregon Electric Utility Company, pages 49-50, August 16, 2004

1 **II. Our Request of Applicants**

2 CADO-OECA is requesting a two-phase ask. In the near term, CADO-OECA is asking
3 for a commitment by Oregon Electric to provide \$11 million per year for each year they own
4 PGE to be used to provide energy assistance to PGE low-income customers. This funding is to
5 be provided by investors and not by PGE's ratepayers. CADO-OECA is also asking for a
6 commitment by OEUC to support both the public purpose and low-income provisions of SB
7 1149, and for the PGE board of directors to hold regular collaborative meetings with
8 representatives of CADO-OECA.

9 In the longer term, CADO-OECA is requesting that OEUC and PGE work
10 collaboratively to develop innovative new programs that would: **a)** take a longer-term structural
11 approach to addressing the issue of energy affordability, and **b)** be beneficial to both PGE and to
12 low-income customers. CADO-OECA is also asking that OEUC support legislative efforts to
13 index the energy assistance provisions of SB 1149, which currently provides for the collection of
14 \$10 million per year through a low-income assistance meter charge, to both the rate of increase
15 in future energy prices and to the future growth in the number of retail customers.

16

17 **III. Magnitude of the Need**

18 As highlighted in our direct testimony, a recent study by Quantec, LLC for Oregon
19 Housing and Community Services² sheds light on the number of PGE low-income customers
20 served by the Oregon Energy Assistance Program, and the dramatic numbers that are not served.

21 This data is displayed on Table 1.

22 //

² Source: Oregon Energy Assistance Program Evaluation, prepared for Oregon Housing and Community Services by Quantec, LLC, January 10, 2003. CADO-OECA/100, Table 3, Page 7, July 21, 2004.

Table 1

Number and Proportion of PGE Low Income Customers Participating in the Oregon Energy Assistance Program

| County | Total Customers | Total Eligible Low-Income Customers | Program Participants | Low-Income Customers Not Served | Percent of Low-Income Served | Percent of Low-Income Not Served |
|------------|-----------------|-------------------------------------|----------------------|---------------------------------|------------------------------|----------------------------------|
| Multnomah | 220,927 | 37,637 | 6,037 | 31,600 | 16% | 84% |
| Washington | 178,296 | 23,752 | 3,821 | 19,931 | 16% | 84% |
| Clackamas | 134,517 | 18,066 | 2,760 | 15,306 | 15% | 85% |
| Marion | 91,834 | 20,281 | 2,517 | 17,764 | 12% | 88% |
| Yamhill | 20,061 | 3,783 | 475 | 3,308 | 13% | 87% |
| Polk | 2,486 | 449 | 13 | 436 | 3% | 97% |
| Columbia | 49 | 9 | 4 | 5 | 44% | 56% |
| Total | 648,170 | 103,977 | 15,627 | 88,350 | 15% | 85% |

*Oregon Energy Assistance Program Evaluation, Quantec, LLC,
 Appendix B, B-1 January 30, 2003*

Of the 103,977 (16 percent of PGE total customer base) customers that qualify for this program only 15,627 (15 percent) actually received assistance leaving 88,350 (85 percent) of eligible customers not receiving assistance through this program. PGE's low-income customers can also qualify and receive energy assistance benefits through the LIEAP program.

Agency employees familiar with these programs believe that for the Portland General Electric service area the total number of low-income customers who qualify, and receive, either OEAP or LIEAP energy assistance is around 25 percent – leaving around 75 percent of qualified customers that do not receive any energy assistance. This is because both the OEAP and LIEAP programs are under-funded. The need exists for a significant influx of additional low-income energy assistance to help fill the gap between the number of customers who qualify for assistance and those that are

1 lucky enough to receive the limited amount of available funds. CADO-OECA is asking
2 that OEUC provide what we would consider to be a tangible net public benefit from this
3 acquisition by providing a significant infusion of new energy assistance funding.
4

5 **IV. Another View of the Need**

6 We wish to highlight a pair of issues that we hope will clarify our request of Oregon
7 Electric. The first issue is the implication that we are looking for funding from this acquisition
8 that will solve, or resolve, the problem of energy affordability for PGE's low-income customers.
9 As will be demonstrated below, the magnitude of this problem is such that even an agreement by
10 OEUC to provide our entire ask provides an average \$280 per year payment to a little more than
11 one-half of the total number of PGE's qualified low-income customers. Further, that payment
12 itself represents only 29.6 percent of the typical residential customer's annual payment to PGE
13 for electricity service.³

14 The second is the contention that we are seeking shareholder dollars within the context of
15 a normal regulatory model where allowed shareholder rate of return is set by the regulatory
16 commission, included into the rates charged to customers and then earned, or not earned, by the
17 company through their operation of the utility. As will be amplified later, we are not asking that
18 the new investor dollars be provided out of the pot of dollars allowed by the commission as
19 normal utility shareholder returns. Instead, we are asking that it be provided by the transitory
20 investors that are pursuing this acquisition with the expectation of creating a significant pool of
21 value through the capital gains generated by the planned future sale of Portland General Electric.

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³ CADO-OECA/100, Table 5, Page 10, July 21, 2004.

1 Table 2 speaks to the first issue by providing an illustration of the magnitude of the
 2 problem of energy affordability in PGE’s service area and how even with an infusion of an
 3 additional \$11 million each year the problem remains significant. Additionally, Table 2
 4 illustrates the potential magnitude of the funds that are returned to PGE each year in the form of
 5 payments, or credits, to low-income customer accounts.

6 **Table 2**

7 **Illustration of Low-Income Customers Served**

| | Energy Assistance Funds Provided | Proportion Provided for Assistance | Funds Paid to PGE | Annual Benefit Per Client | Number of Clients Served | Eligible Customers Served |
|--|---|---|------------------------------|--|---|--|
| | <i>-millions-</i> | <i>- percent -</i> | <i>-millions -</i> | | | <i>- percent -</i> |
| Funds Available for Energy Assistance to PGE Low-Income Customers From Taxpayers, Ratepayers And Voluntary Contributions | \$ 11.00 | 70% | \$ 7.70 | \$ 280 | 27,500 | 26.4% |
| Requested Contribution From Oregon Electric | \$ 11.00 | 70% | \$ 7.70 | \$ 280 | 27,500 | 26.4% |
| Total | \$ 22.00 | 70% | \$ 15.40 | \$ 280 | 55,000 | 52.8% |

8
 9 The first row displays information relating to the current situation facing PGE’s low-
 10 income customers. In our original testimony we postulated that approximately 11.0 million was
 11 available per year from taxpayers, ratepayers and voluntary contributions to provide energy
 12 assistance to PGE’s low-income customers . Of that amount, approximately 70 percent is
 13 available to provide direct energy assistance once agency administration and program delivery
 14 costs are covered. Funds totaling approximately \$7.7 million could then be provided from these
 15 outside sources directly to PGE each year in the form of credits to the bills of qualified low-

1 income customers. These taxpayer, ratepayer and voluntarily contributed funds provided to PGE
2 not only help hold down the cost of providing electricity service to all customers, but also help
3 PGE earn a portion of their overall return. Further, by reducing the overall bills of low-income
4 ratepayers PGE realizes cost reductions from arrearage reductions and reductions in the costs
5 incurred for collection and shutoffs. The credit available to each qualified customer is around
6 \$280 per year. By way of comparison, this amounts to a payment of only 29.6 percent of the
7 typical total annual PGE residential bill payments. Dividing \$280 per client into \$7.70 million
8 you arrive at a figure of 27,500 total eligible PGE low-income customers who could receive a
9 \$280 energy assistance credit each year. This total represents only 26.4 percent of the nearly
10 104,000 eligible PGE low-income customers who struggle to pay their electricity bills each year.

11 The second row displays the impact of having the entire \$11.0 million that CADO-OECA
12 is requesting from OEUC investors available to provide energy assistance. Of that amount,
13 approximately 70 percent would provide direct energy assistance once agency administration and
14 program delivery costs are covered. An additional \$7.70 million would be available each year in
15 the form of credits to the bills of qualified low-income customers. As with the taxpayer,
16 ratepayer and donated funds illustrated above, these investor dollars will also help hold down the
17 cost of providing electricity service to all customers, but also help PGE earn a portion of their
18 overall return. Dividing \$280 per client into \$7.70 million you arrive at a figure of 27,500
19 additional eligible PGE low-income customers who could receive an energy assistance credit
20 each year. This total represents an additional 26.4 percent of the nearly 104,000 eligible PGE
21 low-income customers.

22 Taken together, \$22.0 million of total energy assistance funding results in approximately
23 \$15.40 million available for payment to PGE in the form of providing \$280 annual credits to the

1 bills of approximately 55,000 eligible PGE low-income customers which is around 53 percent of
 2 the total eligible customer base.

3 The acquisition of Portland General Electric by TPG is not a traditional utility merger and
 4 we do not believe that OEUC is interested in basing its overall profit solely upon PGE's
 5 regulated return. Instead, this transaction is a financial play for a fundamentally sound, yet
 6 artificially undervalued, corporate asset that TPG intends to sell for a significant profit, arguably
 7 sooner rather than later. They have several methods of liquidation available to them including an
 8 initial public offering and the possibility of a sale to a strategic investor. This strategy forestalls
 9 the creation of a pool of value for several years.

10 In our direct testimony⁴ CADO-OECA offered a cursory illustration of the possible
 11 magnitude of the financial payoff to TPG from the acquisition and eventual sale of PGE's stock.
 12 Table 3 illustrates the possible value of TPG's \$1.25 billion equity investment with annual long-
 13 term returns varying between 11 to 20 percent, and holding periods of 5 to 12 years. As
 14 illustrated, the possible value of the investment varies from \$2.1 billion to \$11.1 billion.

15 Table 3

16 Potential Return Matrix of a \$1.25 billion Investment
 17 With Various Rates of Return and Holding Periods
 18

| | 11 percent | 14 percent | 16 percent | 20 percent |
|----------|---------------|---------------|---------------|----------------|
| 5 Years | \$2.1 billion | \$2.4 billion | \$2.6 billion | \$3.1 billion |
| 7 Years | \$2.6 billion | \$3.1 billion | \$3.5 billion | \$4.5 billion |
| 12 Years | \$4.4 billion | \$6.0 billion | \$7.4 billion | \$11.1 billion |

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⁴ CADO-OECA/100, Pages 19 to 23, July 21, 2004.

1 While TPG's investors can afford to wait for this end-game payoff PGE's low-income customers
2 cannot. PGE's low-income customers need immediate and significant assistance paying their
3 electricity bills.

4

5 **V. Conclusion**

6 If tangible benefits in the form of a significant contribution of investor dollars to aid
7 PGE's low-income are not provided, especially when overall rate reductions are either non-
8 existent or minimal, then CADO-OECA must still conclude that there are not sufficient net
9 public benefits created by this acquisition and would urge the Oregon PUC to reject this
10 Application.

11 DATED this 22nd day of September, 2004.

12 Respectfully Submitted,

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Thomas James (Jim) Abrahamson
Energy Project Coordinator
Community Action Directors of Oregon

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2004, I delivered an original and five copies of the foregoing SURREBUTTAL TESTIMONY OF THE COMMUNITY ACTION DIRECTORS OF OREGON and the OREGON ENERGY COORDINATORS ASSOCIATION to:

ADMINISTRATIVE LAW JUDGE KATHRYN LOGAN
ADMINISTRATIVE LAW LUDGE CHRISTINA M. SMITH
PUBLIC UTILITY COMMISSION OF OREGON
ATTN: ANNETTE TAYLOR
550 CAPITOL ST., NE., SUITE 215
PO BOX 2148
SALEM, OR 97308-2148

and on September 22, 2004, I hereby certify that the forgoing document was electronically served on all parties whom have an email address on the official service list, and by U.S. Mail, postage-prepaid, to those parties who do not have an email address on the official service list for UM 1121.

/s/ Thomas James (Jim) Abrahamson
Thomas James (Jim) Abrahamson
Energy Project Coordinator
Community Action Directors of Oregon.

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