

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1934

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	RESPONSE OF PORTLAND
COMPANY,)	GENERAL ELECTRIC
)	COMPANY TO CP ENERGY
Request for Proposal for Renewable Resources.)	MARKETING (US) INC.
)	PETITION TO INTERVENE

Pursuant to OAR 860-001-0300, Portland General Electric Company (PGE) responds to the March 20, 2018 Petition to Intervene submitted by CP Energy Marketing (US) Inc. (CPEMUS). PGE is concerned that CPEMUS’s participation in this docket will unreasonably broaden the issues, burden the record, or delay the proceedings. PGE believes that there are sufficient grounds for the Oregon Public Utility Commission (Commission) to deny the petition. Nonetheless, if the Administrative Law Judge (ALJ) grants the petition, PGE requests that it make it clear that it will hold CPEMUS to its representations that it will not unreasonably broaden the issues, burden the record, or delay the proceeding and that CPEMUS will not have access to proprietary and confidential information that is not otherwise available to other bidders.

Background.

CPEMUS is a potential bidder in PGE’s 2018 Request for Proposal for Renewable Resources (RFP). In its petition, CPEMUS states that “any Commission decision regarding Portland General Electric Company’s (“**PGE**”) request for proposal (“**RFP**”) could have a significant impact on CPEMUS’ ability to compete to provide power to PGE and/or **other entities in the Pacific Northwest.**” Emphasis added. CPEMUS also states that its participation will assist the Commission in resolving issues that may arise in the proceeding, and it seeks “full

party status”. CPEMUS also claims that no other party in this proceeding represents CPEMUS’s interests.¹

CPEMUS’s Petition to Intervene is not appropriate.

The request for proposals for the acquisition of resources dockets are not considered a contested case under the Administrative Practices Act², and an intervener can only have limited party status. CPEMUS’s petition should be denied.

CPEMUS’s Participation May Unreasonably Broaden the Issues, Burden the Record, or Delay the Proceedings.

In any event, even in contested cases, OAR 860-001-0300(7) provides the Commission or ALJ with the discretion to deny a petition to intervene if the petitioner’s appearance and participation will unreasonably broaden the issues, burden the record, or delay the proceedings. Section 2(e) of the rule requires petitioner to identify the issues it intends to raise at the proceedings.

CPEMUS does not identify the issues it intends to raise. In its petition, CPEMUS represents that it will not unreasonably broaden the issues, burden the record, or delay the proceeding. However, CPEMUS states that it will be seeking to protect its ability to compete to provide power, not just to PGE, but to other entities in the Pacific Northwest.

PGE is concerned that CPEMUS may attempt to conflagrate issues unrelated to PGE’s design of this RFP. Our concerns are particularly heightened given that the timeline in this RFP is designed to maximize our ability to obtain maximum PTC benefits for our customers, and any delays will be detrimental to that effort. In any event, the Commission and the Independent Evaluator (IE) will ensure that the RFP will be conducted in a fair and unbiased manner consistent with the Commission’s Competitive Bidding Guidelines. We recognize the

¹ CPEMUS is a member of the Northwest and Intermountain Power Producers Coalition (NIPPC), a trade organization that has intervened in this proceeding and is expected to participate fully and actively in the proceeding on behalf of its members.

² ORS 183.310(6)

importance of public involvement in the RFP process, and are willing to accommodate input from other parties. However, the process should be protected from a potential bidder whose primary interest is the success of its own bid.

If the ALJ nonetheless grants CPEMUS's petition we request that the ALJ (1) make it clear that it will hold CPEMUS to its representations that it will not unreasonably broaden the issues, burden the record, or delay the proceeding; and (2) include a ruling that CPEMUS will not have access to competitive and proprietary information in this proceeding that is not available to other bidders in the RFP.

Conclusion.

For the reasons discussed above, we believe that CPEMUS intervention is not appropriate, could unreasonably broaden the issues, burden the record, or delay the proceedings. Therefore, there are sufficient grounds for the ALJ to deny the petition. However, if the ALJ grants the petition, we request that it hold CPEMUS to the representations it makes in its petition and limit its access to confidential and proprietary information.

DATED this 27^h day of March, 2018.

Respectfully submitted,



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