



GREEN ENERGY  
INSTITUTE  
Lewis & Clark Law School

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January 17, 2024

*Via Electronic Filing*

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High St. SE, Suite 100  
Salem, OR 97301  
[puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov)

Re: In the Matter of PACIFICORP, dba PACIFIC POWER,  
Advice No. 23-018 (ADV 1545), Modifications to Rule 4,  
Application for Electrical Service.  
**Docket No. UE 428**

Dear Filing Center:

Please find enclosed the Green Energy Institute at Lewis & Clark Law School and Sierra Club's Petition to Intervene in the above-referenced docket.

Thank you for your assistance. Please contact me at (503) 768-6654 for any questions regarding this filing.

Sincerely,

/s/Alex Houston  
Alex Houston, Staff Attorney  
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Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 428**

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Advice No. 23-018 (ADV 1545),  
Modifications to Rule 4, Application for  
Electrical Service.

**GREEN ENERGY INSTITUTE AND  
SIERRA CLUB'S  
PETITION TO INTERVENE**

Pursuant to ORS § 756.525 and OAR § 860-001-0300(2), the Green Energy Institute at Lewis & Clark Law School (“GEI”) and Sierra Club hereby petition the Oregon Public Utility Commission (“Commission”) to intervene in this proceeding with full party status as described in OAR § 860- 001-0010(7). In support of this petition, the following is provided:

1. The business address of the Green Energy Institute is:

Green Energy Institute at Lewis & Clark Law School  
10101 S. Terwilliger Boulevard  
Portland, OR 97219

2. The business address of Sierra Club is:

Sierra Club  
Environmental Law Program  
2101 Webster Street, Suite 1300  
Oakland, California 94612

3. GEI will be represented in this proceeding by staff attorneys Alex Houston and Carra

Sahler. GEI requests that service of documents be made at the following address and email addresses:

Name: Alex Houston  
Company: Green Energy Institute at Lewis & Clark Law School  
Street Address: 10101 S. Terwilliger Boulevard  
City, State, Zip: Portland, OR 97219  
Email Address: ahouston@lclark.edu  
Phone: (503) 768-6654

Name: Carra Sahler  
Company: Green Energy Institute at Lewis & Clark Law School  
Street Address: 10101 S. Terwilliger Boulevard  
City, State, Zip: Portland, OR 97219  
Email Address: sahler@lclark.edu  
Phone: (503) 768-6634

4. The Green Energy Institute at Lewis & Clark Law School is a climate and energy policy institute within Lewis & Clark's Environmental, Natural Resources, and Energy Law Program. GEI's mission is to develop equitable, comprehensive, effective strategies to prevent catastrophic climate change by furthering the just transition to a sustainable, carbon-free energy grid.

5. Sierra Club will be represented in this proceeding by Rose Monahan, *pro hac vice*, and Joshua Smith. Sierra Club requests that service of documents be made at the following address and email addresses:

Name: Rose Monahan  
Company: Sierra Club  
Street Address: 2101 Webster Street, Suite 1300  
City, State, Zip: Oakland, California 94612  
Email Address: rose.monahan@sierraclub.org  
Phone: (415) 977-5704

Name: Leah Bahramipour  
Company: Sierra Club  
Street Address: 2101 Webster Street, Suite 1300  
City, State, Zip: Oakland, California 94612  
Email Address: leah.bahramipour@sierraclub.org  
Phone: (415) 977-5649

6. The nature and extent of the Petitioners' interest in the proceeding are: GEI is engaged in and supports the advancement of electrification across the State of Oregon with the goal of reducing greenhouse gas emissions to mitigate the impacts of climate change. Sierra Club's top priority is addressing the climate crisis, including through smart and effective utility regulation. This matter has the potential to (1) reshape the landscape of liability for electricity providers

where their actions result in damages, particularly in the case of wildfires and (2) significantly change the financial incentive for electricity providers to identify and fulfill wildfire mitigation strategies, which are a critical component of climate change policy. The Commission's oversight and enforcement of wildfire mitigation plans alone is insufficient, but can work in tandem with liability to promote responsible planning and mitigation by utilities. Other state utility commissions and electric utilities are likely monitoring this proceeding, and its influence will extend beyond merely a determination of PacifiCorp's liability in Oregon. As such, GEI and Sierra Club have a strong interest in participating in this proceeding to ensure that issues identified by the Commission are fully addressed.

7. The issues the Petitioners intend to raise at the proceeding are: GEI and Sierra Club intend to participate as a party and raise issues that are appropriate to the proceeding. These include the four threshold legal questions raised by the Commission in its December 1, 2023 Scoping Memorandum regarding the Commission's authority under Oregon law to adopt limitations on liability, what other jurisdictions have done on this issue, and whether existing Oregon law addresses PacifiCorp's liability. Should this matter extend beyond legal arguments, GEI and Sierra Club intend to address any and all policy-related issues.

8. The special knowledge or expertise of the Petitioners that would assist the Commission in resolving the issues in the proceeding is: GEI has a substantial interest in the scope of PacifiCorp's future liability for damages wildfire related damages. GEI has a decade of experience working closely on climate policy and energy matters. Sierra Club similarly has substantial experience in climate policy and energy utility regulation, having participated public utility commission proceedings not only before this Commission but also across the country on numerous occasions. Additionally, GEI and Sierra Club would provide the Commission with an

academic and historical perspective about waivers of liability and the role they play in Oregon state law, including analysis as to why that precedent is relevant to evaluating PacifiCorp's request. Finally, GEI and Sierra Club will distinguish the case law and state administrative rules that the company relies upon in its filing to illustrate that its proposed waiver exceeds other limitations of liability.

9. Based on the information provided above in accordance with the Commission's rules of procedure, GEI and Sierra Club respectfully request that the Commission grant this Petition to Intervene. GEI and Sierra Club's participation in this docket will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

Respectfully submitted on this 17<sup>th</sup> day of January, 2024

/s/Alex Houston

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/s/Rose Monahan

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E-Mail: rose.monahan@sierraclub.org  
*pro hac vice forthcoming*