

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**DR 10, UE 88, UM 989**

In the Matters of

The Application of Portland General Electric  
Company for an Investigation into least Cost Plan  
Plant Retirement, (DR 10)

Revised Tariffs Schedules for Electric Service in  
Oregon Filed by Portland General Electric  
Company, (UE 88)

Portland General Electric Company's  
Application for an Accounting Order and for  
Order Approving Tariff Sheets Implementing  
Rate Reduction. (UM 989)

**PORTLAND GENERAL ELECTRIC  
COMPANY'S OPPOSITION TO  
MOTION TO REMOVE ISSUES FROM  
PHASE I**

**I. INTRODUCTION**

Portland General Electric Company ("PGE") submits this opposition to the motion of the Utility Reform Project and the Class Action Plaintiffs (collectively "URP") to retroactively limit the scope of issues considered by the Commission in Phase I of these remanded proceedings.

**II. DISCUSSION**

This is essentially a motion for reconsideration of the denial of URP's previous motion for reconsideration of the scoping order in these proceedings, Order 04-597. URP filed its first motion for reconsideration of Order 04-597 on December 20, 2004, raising exactly the same issues raised in this motion. The Commission denied that motion in Order 05-091, addressing and rejecting the exact arguments URP raises here.

URP makes no new arguments and cites no legal authority in this motion. Instead, URP simply incorporates by reference its previous briefs and arguments on these issues and rehashes those arguments in summary form. The Commission rejected those arguments in Order 05-091, and

in its predecessor, Order 04-597. PGE urges the Commission to reaffirm those well-reasoned Orders.

In urging the Commission to adhere to its previous Orders, PGE briefly notes two points. First, URP's central argument in this motion is that the scope of Phase I, and the scope of evidence considered by the Commission in Phase I, are different from the scope of Phase III. But, as the Commission discussed in detail in Order 05-091, the different scope of these phases is a natural result of the different instructions that the Commission received in the remands of UE 88, DR 10 and UM 989. The scope of Phase I is different than the scope of Phase III, because the issues on remand are different. Neither logic nor legal authority compels URP's argument that the scope of the two phases must be the same.

Second, URP has not been harmed by the scope of these remanded proceedings. URP has been given the opportunity to raise every argument it has ever asked to raise during multiple layers of comment, testimony, briefing and hearings. That some of these issues have been addressed during Phase I and some during Phase III does not amount to a constitutional violation. The Commission has considered all parties' arguments and announced its intention to address all issues in a comprehensive Order governing all phases of these proceedings, and due process requires no more.

In sum, PGE respectfully requests that the Commission again reject URP's arguments for the reasons articulated in Orders 04-597, 05-091, and in PGE's prior briefing on these issues, which PGE incorporates herein by reference.

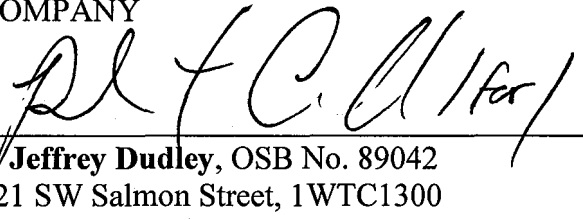
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**III. CONCLUSION**

For the reasons stated, PGE respectfully requests that the Commission deny URP's motion to limit Phase I of these proceedings.

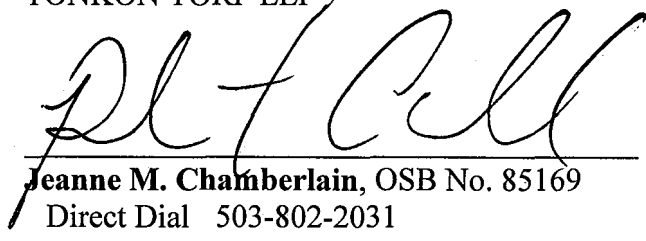
DATED this 17<sup>th</sup> day of September, 2008.

PORTLAND GENERAL ELECTRIC  
COMPANY



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## CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing **PORTLAND GENERAL ELECTRIC COMPANY'S OPPOSITION TO MOTION TO REMOVE ISSUES FROM PHASE I** by e-mail and/or mailing a copy thereof, to each party that has not waived paper service, in a sealed, first-class postage prepaid envelope, addressed to each party listed below and depositing in the US mail at Portland, Oregon.

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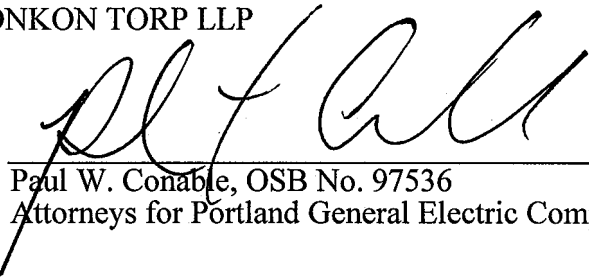
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