

1 **BEFORE THE OREGON PUBLIC UTILITIES COMMISSION**

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3 **DR 10/UE 88/UM 989**

4 **In the Matters of**

5
6 **The Application of Portland General Electric**
7 **Company for an Investigation into Least**
8 **Cost Plan Plant Retirement. (DR 10)**

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10 **Revised Tariffs Schedules for Electric**
11 **Service in Oregon Filed by Portland General**
12 **Electric Company. (UE 88)**

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

REFILED MOTION FOR 3-
DAY EXTENSION OF TIME
TO FILE URP
SURREBUTTAL
TESTIMONY

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20 As directed by the ALJ, URP refiles its request for a 3-day extension of time
21 for the filing of its surrebuttal testimony, taking the date from July 25 to July 28,
22 2005.

23 This extension is warranted for several reasons. First, the ALJ has yet to rule
24 on the PGE Motion to Strike, filed on June 14, 2005. Without knowing which
25 elements of its opening testimony may be stricken, it is not possible for URP to
26 prepare the correct surrebuttal testimony.

27 Second, after the schedule in this case was set by ALJ order of May 2, 2005,
28 PGE obtained an extension of time from the Oregon Supreme Court in ***Dreyer, et***
29 ***al. v. Portland General Electric Company (PGE)***, Supreme Court No. S 52284,
30 pursuant to which that Court has accepted and is considering the merits of PGE's

1 petition for alternative writ of mandamus to halt the class action lawsuits underway
2 in Marion County Circuit Court to recover the unlawful charges to PGE ratepayers
3 for Trojan return on investment during the same 5.5-year period that is the subject
4 of this phase of this proceeding. PGE's extension of time compelled undersigned
5 counsel to seek an extension of time for replying to that memorandum until July 26,
6 2005. Thus, undersigned counsel is overwhelmingly engaged in preparing a
7 memorandum for the Oregon Supreme Court proceeding that may cause much of
8 all of this phase of this proceeding to be moot.

9 Granting this motion will not cause prejudice to PGE, as PGE will continue to
10 have 20 days until the date for filing of its surrebuttal testimony. Further, URP
11 would not object to a similar extension of that deadline.

12 Jay Dudley, PGE counsel, has responded that PGE does not object to this
13 request.

14 Dated: July 28, 2005

Respectfully Submitted,

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16 Attorney for
Utility Reform Project

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing REFILED MOTION FOR 3-DAY EXTENSION OF TIME TO FILE URP SURREBUTTAL TESTIMONY BY UTILITY REFORM PROJECT by email to the email addresses shown below, which comprise the service list on the Commission's web site as of this day.

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Dated: July 28, 2005

Linda K. Williams