

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 427**

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Renewable Resource Automatic Adjustment
Clause (Schedule 122) (Clearwater Wind
Project).

PGE'S RESPONSE IN OPPOSITION TO
NEWSUN'S MOTION FOR REVISED
PROCEDURAL SCHEDULE

Pursuant to OAR 860-001-0420, Portland General Electric Company (PGE) responds to NewSun Energy LLC's (NewSun) Motion for Revised Procedural Schedule (Motion) filed April 24, 2024. NewSun is requesting an order modifying the remainder of the procedural schedule in this docket with a proposed target date for Commission Decision of September 19, 2024. In the alternative, NewSun seeks a modification of the response time to discovery requests. PGE opposes NewSun's request and proposes an alternative procedural schedule that can accommodate conflicts with the currently scheduled May 16 hearing date while still allowing for an August 1, 2024 rate effective date.

I. Introduction

On October 30, 2023, PGE filed testimony and Schedule 122 for cost recovery of the Clearwater Wind Project under the Renewable Resource Automatic Adjustment Clause. Notice of the filing was provided to the Commission's electric service list. The Commission set a procedural schedule on January 24, 2024, with a February 6 deadline for Staff and Intervenor opening testimony and a target Commission decision date of May 28, 2024. On April 4, 2024, the Commission issued an order rejecting a unanimous stipulation and a new procedural schedule was established to allow for an August 1, 2024 rate effective date. The Administrative Law

Judge’s procedural memorandum stated that in the event of a “significant conflict” the parties were requested to confer regarding any proposed modifications. New Sun then filed a petition to intervene. On April 11, 2024, the ALJ issued a ruling granting NewSun’s petition to intervene based on a determination that NewSun’s participation “will not unreasonably broaden the issues, burden the record, or delay the proceedings.” NewSun then filed its Motion to which the ALJ directed responses be filed by April 30 with parties to address alternative schedule options, including extending the rate effective date past August.

II. Response

While PGE supports a revision of the procedural schedule that will accommodate the Citizens’ Utility Boards’ conflict with the scheduled May 16 hearing, PGE does not support NewSun’s motion to add additional rounds of testimony thereby delaying the effective date of the rate. Instead, after conferring with Staff and CUB, PGE proposes the current procedural schedule be revised to the following:

Cross Examination Statements	May 17
Evidentiary Hearing	May 29 or afternoon May 30
All Parties Opening Briefs	June 12
Parties Reply Briefs	June 19
PGE Reply Brief	June 26
Target Commission Order	July 25
Rates Effective	August 1

Good cause does not exist to grant NewSun’s motion since it will unreasonably broaden the issues in the docket and delay the proceeding; a condition for NewSun’s intervention under

OAR 860-001-0300(6). No party except NewSun has expressed a need for additional testimony after the reply testimony submitted by PGE on April 25. PGE's reply testimony addresses the concerns identified by the Commission in its April 4 order as well as topics NewSun claims are lacking in the record. Granting NewSun's Motion will not result in a more complete record and instead will only serve to inappropriately broaden the record beyond the salient issue of cost recovery under Schedule 122 for the Clearwater Wind Project.

When PGE filed its testimony and tariff schedule six months ago, it did so with a target effective schedule date of June 2024. The parties to the unanimous settlement agreement filed in March (PGE, Staff and CUB) proposed an earlier effective tariff date of April 2024 since it would result in benefits to customers sooner than the initially proposed June 2024 date. Since PGE carries the burden of proof, it would not be appropriate to revise the schedule to allow additional testimony from parties without also giving PGE the opportunity to submit rebuttal testimony. Granting NewSun's Motion would necessitate a delay in the rate's effective date beyond the August 1, 2024 target date directed by the Commission to the detriment of PGE and customers. NewSun's failure to timely intervene does not warrant a revision of the procedural schedule to add two additional rounds of testimony.

Despite NewSun's claim that a revised procedural schedule, or in the alternative, a shortened response time to data requests, is needed, additional time for discovery is unnecessary. Parties were given the opportunity to conduct discovery for six months. NewSun has not been harmed by the existing discovery timeframe since they have already submitted data requests. Furthermore, shortening the response time for data requests is inappropriate and unnecessary. With the revised procedural schedule proposed by PGE, parties have ample opportunity to complete discovery before cross-examination statements.

III. Conclusion

For the foregoing reasons, PGE requests the Commission deny NewSun's Motion and in the alternative, modify the procedural schedule to allow for a May 29 or May 30 evidentiary hearing and August rate schedule effective date as previously discussed.

DATED this 30th day of April, 2024.

Respectfully submitted,

/s/ Kim Burton

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