

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 427

In the matter of

Portland General Electric Company,

Renewable Resource Automatic
Adjustment Clause.

REPLY OF NEWSUN ENERGY LLC
IN SUPPORT OF MOTION FOR
REVISED PROCEDURAL
SCHEDULE

I. INTRODUCTION

For the reasons set forth below, NewSun Energy LLC (“NewSun”) hereby respectfully submits this reply in support of its motion for an order modifying the schedule in this proceeding.

II. MOTION TO ACCEPT REPLY

NewSun moves the Oregon Public Utility Commission (“Commission”) to accept this reply in support of its motion for a revised procedural schedule on the grounds that Portland General Electric Company (“PGE”) did not confer with NewSun on the proposed schedule contained in PGE’s response and some of the objections raise concerns about NewSun’s participation in this matter that should have been properly addressed at the time of NewSun’s intervention. As such, a short reply is warranted to properly address those issues.

III. REPLY

The responses raise a concern that NewSun waited to intervene in this matter for months until after significant process has already been completed. PGE filed this case on October 30, 2023, one day before NewSun’s house counsel, signed below, submitted a letter to numerous dockets, including PGE’s 2021 request for proposal docket (UM

2166), removing herself from the service lists due to needing to take maternity leave. When counsel returned from leave in February 2024, immediate priorities included the press of business in numerous other Commission proceedings in which NewSun had already been engaged and other responsibilities. Only three weeks after counsel's return from leave, on February 26, 2024, PGE filed a motion to suspend the schedule in this docket noting that the parties had reached a settlement on all issues in the docket. NewSun did not intervene at that time based upon the belief that the Commission typically accepts stipulations. NewSun came to believe that further process might yet still be possible in this docket and filed its intervention which turned out to be the same day the Commission issued an Order rejecting the stipulation. Following that, the Administrative Law Judge issued a ruling setting a deadline for parties to object to NewSun's intervention, and no parties objected. Intervention is permitted up until the final taking of evidence.¹ NewSun does not intend to delay this proceeding for the sake of delay, but rather its request comes in direct response to the Commission Order rejecting the stipulation and seeks a reasonable schedule accommodation to allow a complete taking of evidence.

PGE did not confer with NewSun on its proposed schedule. NewSun does not agree to that schedule. NewSun remains concerned that without additional discovery and an additional round of testimony following the issuance of Order 24-091 from experts in the field, like NewSun and other concerned parties, that this docket will not appropriately address the concerns raised in the Order. The Commission itself expressed concerns about the fairness of the 2021 RFP, the Clearwater project, and whether the stipulation went far enough to encourage PGE to improve its fairness in future RFPs. Rather than

¹ ORS 756.525.

providing the clarity the Commission needs, PGE's reply testimony confuses the issues and tries to sweep under the rug the most significant instance of utility abuse of an RFP process in recent Oregon history.

This is the docket where the Commission can hold PGE accountable for its actions and provide for the appropriate remedies to deter future similar conduct. As such, the issue should be given its due weight and NewSun and others should be permitted to conduct and receive appropriate and responsive discovery and to provide their expert testimony on the 2021 RFP process, the selection of the Clearwater project, and that project's transmission, performance, and financials—issues that are all within the scope of this docket and targeted to address the Commission's concerns in rejecting the stipulation.

IV. CONCLUSION

In conclusion, NewSun continues to seek the opportunity to submit a round of testimony and seeks a ruling granting it that opportunity. To the extent there are conflicts with other dates in NewSun's proposed schedule, NewSun requests that the ALJ hold a scheduling conference to set the remainder of the schedule.

Dated this 1st day of May 2024.

Respectfully submitted,

NEWSUN ENERGY LLC



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