

1 September 17 is on September 12, 2017, it is likely that the Commission's review will take place
2 on that day unless a special public meeting is scheduled to review PGE's filing.

3 Given that the Commission's review of PGE's proposed avoided cost prices will take
4 place no later than September 17, 2017, Staff asks the Commission to stay the response on
5 PGE's nineteen page Motion for Temporary Relief from Schedule 201 Prices. If the
6 Commission approves PGE's proposed avoided cost prices and allows them to become effective
7 upon approval, PGE's request for temporary relief will be moot. Staff is currently reviewing
8 PGE's avoided cost price filing to determine whether it is consistent with its 2016 IRP and the
9 Commission's policies and should be effective. It would be waste of resources to require Staff to
10 review PGE's avoided cost prices while simultaneously drafting a response to PGE's request for
11 authority to stop contracting until the avoided cost price changes.

12 Requiring Staff and stakeholders to simultaneously respond to the request for interim
13 relief and review PGE's avoided cost filing would be particularly unfair given the timing of
14 PGE's filing. Notwithstanding PGE's assertion that the need for relief from its current avoided
15 cost prices is "urgent," PGE waited ten days after the date of the Commission's partial
16 acknowledgment of its IRP, (which occurred on August 8, 2017) to file its avoided cost prices.
17 PGE's delay in making its avoided cost price filing and the timing of its motion is significant in
18 light of the time allowed for Commission review of an avoided cost price filing and the time
19 allowed to respond and reply to a motion for substantive relief.

20 Had PGE made its avoided cost filing on August 9, 2017, the Commission would have
21 considered the filing within 30 days, which means no later than September 8, 2017. Under OAR
22 860-001-0420, parties have fifteen days to respond to a substantive motion and the movant has
23 seven days to file a response. Applying this timeline,³ PGE could expect its motion to be under
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25 ³ Because the 15th day following August 18, 2017, falls on the Saturday preceding a state holiday
26 observed on Monday, September 4, 2017, the due date for responses to PGE's motion is
extended by 3 days.

1 advisement with the Commission on September 12, which is four days *after* expiration of the 30-
2 day window the Commission would have had to review avoided cost prices filed on August 9,
3 2017.

4 Even PGE's request for expedited consideration is granted, a Commission ruling would
5 likely not come soon enough to warrant the burden of responding to the motion.⁴ Seven days
6 have already passed since PGE filed the motion. Staff opposes a due date for the motion that is
7 prior to Friday, September 1, 2017. Assuming for the sake of argument, the administrative law
8 judge (ALJ) requires responses on September 1, 2017, the earliest PGE could reply would be
9 September 5, 2017 (assuming PGE's attorneys work over Labor Day weekend). If the
10 Commission takes one week to decide the motion, it would issue an order on September 12,
11 2017. As noted above, the next public meeting is on September 12, 2017, and the Commission
12 will consider PGE's avoided cost prices on that day unless a special public meeting is scheduled.
13 In any event, the 30-day window for reviewing PGE's avoided cost prices expires on September
14 17, 2017. So, even assuming a tighter timeline than envisioned above would not result in a
15 decision on the motion that is a significant period of time prior to the time the Commission
16 considers PGE's August 18 avoided cost price filing, the result of which may moot the request
17 for relief.

18 If the Commission chooses to suspend PGE's avoided cost prices rather than allow them
19 to become effective (the Commission must do one or the other within the 30-day window),
20 PGE's request for temporary relief would not be moot and should be addressed. But, parties
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22 ⁴ PGE attempts to address potential harm from of its currently effective prices by asking for
23 expedited consideration of its motion. Given that PGE could have filed its motion sooner than
24 August 18, 2017, the ALJ should not attempt to hasten resolution of the motion by shortening the
25 time for Staff and stakeholders to respond. In any event, the request for expedited relief should
26 be denied because PGE did not attempt to obtain parties position regarding the motion prior to
filing it. Under OAR 860-001-0420, a moving party must "[c]ertify that the moving party has
attempted to contact other parties to the proceedings to discuss the motion and state whether the
parties support the motion." To Staff's knowledge, PGE did not contact parties regarding the
motion for expedited consideration as required under the rule.

1 should not be required to respond to the motion until the need to so is established. PGE's request
2 to suspend almost all PURPA contracting activity is likely to be contentious and lead to pages of
3 responsive pleadings by stakeholders. It will also necessitate legal research into the bounds of
4 the Commission's authority and Staff resources to consider whether suspension of contracting is
5 appropriate. The amount of resources that will be required to respond to the motion is not
6 warranted given that any relief under the motion could come only a handful days sooner than
7 relief from a Commission decision to allow PGE's updated avoided cost prices to become
8 effective.

9 In summary, PGE could have attempted to expedite any change to its avoided cost prices
10 based on 2016 IRP inputs by making its avoided cost filing at the first opportunity (and
11 supporting the filing with the information necessary to facilitate Staff and stakeholder review).
12 PGE did not, and now attempts to obtain expedited relief from its current avoided cost prices by
13 filing a motion for temporary relief that raises what could be a contentious legal issue and by
14 seeking to shorten the time period for consideration of the motion.

15 Even if PGE obtains expedited review of its motion, any resolution is unlikely to come
16 much earlier than the Commission's decision to approve or suspend PGE's avoided cost price
17 filing. If the Commission approves PGE's avoided cost prices and allows them to become
18 effective on approval, PGE's request for temporary relief is mooted. It is only if the Commission
19 chooses to suspend for further investigation that it would be necessary to respond to PGE's
20 motion. Accordingly, Staff asks the ALJ to stay responses to PGE's motion for temporary relief
21 until after the Commission considers PGE's August 18, 2017 avoided cost filing at a public
22 meeting.

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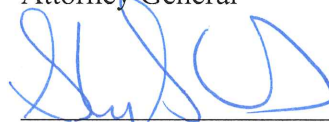
1 **CONCLUSION**

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3 Staff asks that the ALJ stay the responses to PGE's Motion for Temporary Relief from
4 Schedule 201 Prices until after the Commission has considered PGE's August 18, 2017 avoided
5 cost price filing at a public meeting.

6 DATED this 25th day of August 2017.

7 Respectfully submitted,

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