

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 UM 1837

4 In the Matter of

5 PUBLIC UTILITY COMMISSION OF
6 OREGON,

7 Investigation into the Treatment of New
8 Facility Direct Access Load

STAFF'S RESPONSE TO CUB'S MOTION
TO AMEND PROCEDURAL SCHEDULE

9 Pursuant to OAR 860-001-0420(4), Staff of the Public Utility Commission of Oregon
10 (Staff) hereby responds to Oregon Citizens' Utility Board's ("CUB") Motion to Amend the
11 Procedural Schedule in this proceeding.

12 On October 18, 2017, CUB filed its Motion requesting that the Commission amend the
13 current schedule to add a Commission determination on its legal authority to eliminate transition
14 adjustments for commercial customers that are new to the utility's system. CUB did not specify
15 a date for Commission determination in its Motion, and has not requested that the Commission
16 suspend the current schedule while considering its legal authority.

17 Staff takes no position on CUB's request that the Commission make a determination
18 regarding its legal authority on the timeline that it deems appropriate in this proceeding.
19 However, Staff clarifies two points raised in CUB's Motion. CUB asserts that the purpose of the
20 comments portion of this proceeding is to discuss "*how* the Commission will eliminate transition
21 adjustments for some customers."¹ However, the intention behind the briefing portion of this
22 proceeding was to address the legal parameters on the Commission's ability to consider different
23 transition charges for new direct access load at a new site, but was not intended to assume that
24 the secondary policy question—whether the Commission *should* exercise its authority—was
25 assumed to be "yes" if the Commission finds it has the legal authority. As such, the comments

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¹ CUB's Motion at 1 (emphasis in original).

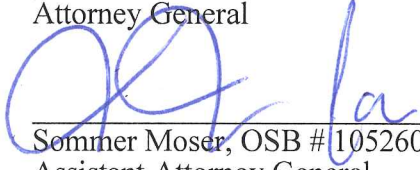
1 portion of this proceeding is intended to include a discussion of whether the Commission *should*
2 exercise its legal authority.

3 Next, although some parties have characterized this proceeding to address the *elimination*
4 of transition charges or credits, the Commission's direction did not assume that this docket
5 would only address the complete elimination of transition charges. Staff's proposed
6 Commission motion was "Open an investigation pursuant to ORS 756.515 to investigate
7 questions related to the appropriate treatment of direct access transition adjustments for new
8 commercial load at a new site,"² and Staff explained at the public meeting that the intent was to
9 address whether "different" transition charges may be warranted.³ The Commission adopted
10 Staff's proposed motion with only one change to remove the word "commercial."⁴ Therefore,
11 while the elimination of transition charges is possible under the scope provided by the
12 Commission, it is not assumed.

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14 DATED this 25th day of October, 2017.

15 Respectfully submitted,

16 ELLEN F. ROSENBLUM
17 Attorney General

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19 _____
20 Sommer Moser, OSB # 105260
21 Assistant Attorney General
22 Of Attorneys for Staff of the Public Utility
23 Commission of Oregon

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25 ² Staff's Public Meeting Memo (May 4, 2017) at 5.

26 ³ May 16, 2017 public meeting at 2:04:40, accessed at

http://oregonpuc.granicus.com/MediaPlayer.php?view_id=1&clip_id=185.

⁴ May 16, 2017 public meeting at 2:18:35.