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VIA ELECTRONIC FILING

PUC Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

**Re: UM 1837 – In the Matter of PUBLIC UTILITY COMMISSION OF OREGON,
Investigation into the Treatment of New Facility Direct Access Load.**

Attention Filing Center:

Attached for filing in the above-captioned docket is an electronic copy of Portland General Electric and PacifiCorp's Joint Response in Opposition to the Oregon Citizens' Utility Board's Motion to Amend the Procedural Schedule.

Please contact this office with any questions.

Very truly yours,


Wendy McIndoo

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1837

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into the Treatment of New
Facility Direct Access Load.

**PORTLAND GENERAL ELECTRIC
AND PACIFICORP'S JOINT
RESPONSE IN OPPOSITION TO
THE OREGON CITIZENS' UTILITY
BOARD'S MOTION TO AMEND
THE PROCEDURAL SCHEDULE**

1 In accordance with OAR 860-001-0420(4), Portland General Electric Company
2 (PGE) and PacifiCorp d/b/a Pacific Power (PacifiCorp) respectfully submit this Joint
3 Response in Opposition to the Oregon Citizens' Utility Board's (CUB) Motion to Amend the
4 Procedural Schedule to the Public Utility Commission of Oregon (Commission).
5 Specifically, CUB asks that the Commission "make a legal determination as soon as possible
6 to provide parties clarity on the Commission's authority to take any action in this docket."¹
7 While CUB does not state precisely at what point in the process the Commission should
8 make its determination, CUB implies that the Commission's legal determination should
9 precede further action in this proceeding. CUB's request should be denied.

10 Due to the unique procedural schedule in this proceeding, the parties have submitted
11 two rounds of legal briefing, but have not yet held workshops, or developed and presented
12 specific proposals for the treatment of new customer load. Similarly, the Commission does
13 not have the benefit of the parties' comments on the policy or legal implications of any
14 specific proposals. Accordingly, any legal conclusions offered by the Commission at this

¹ CUB's Motion to Amend the Procedural Schedule at 2.

1 point in the docket will necessarily be based on hypothetical proposals, and may not address
2 the full range of recommendations that the parties may ultimately make. Moreover, without
3 the development of a full factual record, the Commission may erroneously foreclose
4 proposals that might otherwise be found to be both legal and in the public interest.

5 For these reasons, it would be premature for the Commission to determine the legality
6 of potential proposals before the factual and policy record have been developed, and the
7 Commission should therefore deny CUB's motion.

Respectfully submitted this 25th day of October, 2017.



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