

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1934**

In the Matter of	)	<b>ANSWER OF CP ENERGY</b>
	)	<b>MARKETING (US) INC.</b>
PORTLAND GENERAL ELECTRIC	)	<b>TO RESPONSE OF</b>
COMPANY,	)	<b>PORTLAND GENERAL</b>
	)	<b>ELECTRIC COMPANY</b>
2018 Request for Proposals for	)	
<u>Renewable Resources.</u>	)	

Pursuant to OAR 860-001-0300(5), CP Energy Marketing (US) Inc. (“**CPEMUS**” or “**Intervenor**”) respectfully answers the March 27, 2018 “Response of Portland General Electric Company to CP Energy Marketing (US) Inc.’s Motion to Intervene” (the “**PGE Motion**”) in the above-captioned proceeding.

1. This proceeding relates to the terms of Portland General Electric Company’s (“**PGE**”) 2018 Request for Proposals for Renewable Resources (the “**RFP**”).
2. As part of this proceeding, PGE has already filed for, and received approval of, a general protective order under which access to commercially sensitive information designated as “Protected Information” is only available to limited persons, such as legal counsel, and not available to persons in competitive business roles.<sup>1</sup>
3. The Presiding Administrative Law Judge for this proceeding has already determined that this proceeding is not a contested case proceeding under ORS 183.310(2), but has granted petitions to intervene for the limited purposes of creating a service list; and establishing eligibility to sign a protective order.<sup>2</sup>

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<sup>1</sup> See *Order No. 18063*, Docket No, UM 1934, MOTION FOR PROTECTIVE ORDER GRANTED, February 27, 2018.  
<sup>2</sup> See March 15, 2018 Administrative Law Judge Ruling, Docket UM 1934, adopting schedule and granting interventions; March 29, 2018 Administrative Law Judge Ruling, Docket UM 1934, granting petition to intervene for limited purposes.

4. CPEMUS is an independent power producer currently developing a renewable power project in Oregon and is a prospective bidder into the RFP. It is axiomatic that, as a prospective bidder, CPEMUS has an interest in this proceeding. CPEMUS shares many of the concerns expressed in comments filed by other parties that PGE's proposed RFP includes obstacles to a fair and competitive solicitation, and appears designed to ensure favoritism for PGE's own proposals over competitive projects, without regard to the true cost and benefits to ratepayers.
5. Notwithstanding that (1) this is not a contested proceeding; (2) a protective order is in place, and (3) CPEMUS' clear and apparent interest in this proceeding, PGE expended ratepayer resources (and indirectly therefore intervenor and Commission resources), asking the Commission to deny CPEMUS participation in this proceeding. PGE's position has no merit.
6. PGE's first concern appears to be that CPEMUS "may attempt to conflagrate issues unrelated to PGE's design of this RFP."<sup>3</sup> PGE's fear is unfounded. The suggestion that the mere *possibility* a party *may* attempt to raise extraneous issues in the future would be sufficient grounds for denying an intervention is spurious – this logic essentially could be applied to all intervenors in all circumstances. For clarity, CPEMUS only intends to "raise issues that are appropriate to this proceeding."<sup>4</sup>
7. PGE's next concern seems to be that an intervention would allow CPEMUS to "have access to competitive and proprietary information in this proceeding that is not available to other bidders in the RFP."<sup>5</sup> As noted above, PGE has filed for and received approval of a Protective Order in this proceeding that expressly limits access to such information to Qualified Persons that have consented to be bound to the Protective Order. In the case of a prospective bidder, such information would only be available to counsel for the party, and not to competitive duty personnel. As such,

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<sup>3</sup> PGE Motion at 2.

<sup>4</sup> See March 12, 2018 Petition to Intervene of Renewable Northwest, Docket UM 1934, par. 5.

<sup>5</sup> PGE Motion at 3

this concern has already been covered. For clarity, CPEMUS commits that it is willing to be bound by the terms of the Protective Order.

8. As noted above, the Presiding Administrative Law Judge has ruled that this is not a contested case proceeding under ORS 183.310(2), but petitions to intervene are granted for the limited purposes of creating a service list and establishing eligibility to sign a protective order. CPEMUS clarifies that is seeking a limited intervention for the purposes set forth above, consistent with treatment of other intervenors.

**WHEREFORE**, CPEMUS respectfully requests that it be permitted to intervene for the limited purposes of creating a service list; and establishing eligibility to sign a protective order.

Dated this 2nd day of April 2018.

Respectfully submitted,

*s/ Carl Fink*

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Carl Fink (OSB # 980262)  
Suite 200  
628 SW Chestnut Street  
Portland, OR 97219  
Telephone: (971)266.8940  
CMFINK@Blueplanetlaw.com

Attorney for CP Energy Marketing (US) Inc.