

CHAD M. STOKES

cstokes@cablehuston.com

October 5, 2012

**VIA ELECTRONIC FILING
AND HAND DELIVERY**

Public Utility Commission of Oregon
550 Capitol Street N.E., Suite 215
Salem, Oregon 97301-2551

Re: Request for Hearing by Troutdale Energy Center for RFP Scoring Clarification
(Portland General Electric, Docket UM 1535)

Dear Commissioners Ackerman, Savage and Bloom:

The Troutdale Energy Center (“TEC”) seeks the timely assistance of the Public Utility Commission of Oregon (“OPUC” or “Commission”) in an effort to ensure that the Portland General Electric 2012 Capacity and Energy RFP (“RFP”) bidder responses are scored in a manner that is accurate and maintains the ratepayers’ interests. Since the OPUC’s issuance of its June 7, 2012 Order approving the final draft RFP with conditions, new information in two key areas has surfaced that the Commission should address to protect PGE customers. TEC does not intend at this time to disrupt the current RFP process, but is using this opportunity to highlight curable evaluation concerns that, if not addressed, could result in the selection of a bid that is not the least cost option for ratepayers. The two concerns are: (1) the June 21, 2012 Scoring Weights released by PGE without stakeholder comment are not in the best interests of ratepayers because the scoring fails to properly evaluate the costs, risks and benefits of projects proposing to utilize BPA transmission versus projects proposing to interconnect directly with PGE; and, (2) that PGE did in fact have a “special advantage” in obtaining gas storage services that has been exercised by PGE that was not disclosed to the OPUC or stakeholders. Quite simply, the RFP fails to accomplish the requirements to minimize long-term energy costs and to be fair as mandated in Order No. 06-446. TEC has presented these concerns to the independent evaluator Accion Group (“IE”). Because of the gravity of these concerns, TEC is addressing these concerns directly to the OPUC for its immediate consideration so that the OPUC can direct the IE on how to handle these issues before the November 6, 2012 release of short list bidders.

TEC realizes that it can file a formal Complaint with the OPUC, seek legal redress with Marion County courts, or wait to seek redress before the Commission after the RFP process concludes. Without waiving its rights to pursue other legal remedies, TEC asks for an audience before the Commission in a public meeting or hearing so that the OPUC can intercede now to address these issues in a more timely fashion. TEC is also copying the other stakeholders on this

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letter, as these issues not only impact this RFP, but have the potential to shape future RFP's in Oregon.

I. BPA Transmission Service Improperly Factored with Scoring Criteria

The bid scoring related to transmission service was developed upon an incorrect assumption. PGE represented the following to the Commission on June 5, 2012:

“[A]ll bids that come into our system are basically going to have more access to the Bonneville system than they will to our system, and so we thought to ensure a level playing field that we wanted the Bonneville system to be the proxy for transmission,”¹

PGE's desire to ensure a level playing field is commendable, but the use of BPA as the proxy for transmission service skews the process and potentially the outcome. Limited access to the PGE system should not lead PGE to diminishing the benefits of a direct interconnection to its system in this RFP. TEC and at least one other bidder are in fact proposing to directly interconnect into PGE's transmission system and not rely upon the BPA system. Perhaps this treatment of direct interconnections was not intended by the OPUC (see the Public Meeting Transcript).

PGE's proxy assumption has, however, now led to scoring weights that fail to consider the substantial benefits to ratepayers of a direct interconnection, such as the elimination of the risk of wheeling power across the BPA system where PGE has no control over costs, maintenance or operations. Accounting for long-term costs and system reliability are integral to ensuring that the least cost option to ratepayers is selected by PGE.

PGE's ratepayers' interests are not aligned with the current RFP scoring weights. The June 8, 2012 release of the scoring weights was overly generous to projects relying on BPA and considered “Long Term Firm Transmission on BPA's transmission” as the optimum subjective criterion for transmission. Upon questioning, PGE changed the transmission scoring on June 21, 2012 to “Long Term Firm Transmission Rights to PGE's System.” The revision changed nothing but the title, and the scoring weights still fail to even consider the possibility of a bidder interconnecting directly into the PGE system. PGE's ratepayers deserve a full assessment of the benefits of directly interconnecting into PGE's system as compared to a project that must wheel across the BPA system before connecting to PGE. The RFP should look to reduce the costs and risks to PGE and its ratepayers, which should lead to avoiding further concentrating PGE resources on the BPA system.

The BPA Network Open Season (“NOS”) process is of particular concern to this situation with PGE. The BPA 2010 NOS is in abeyance, and BPA is currently revising the entire NOS process, which significantly increases the risk for in-service date delays. Projects relying on the 2010 NOS or later NOS processes, such as the PGE self-build options, cannot be certain that

¹ OPUC Public Meeting, June 5, 2012, Testimony of Mr. James Lobdell (a partial transcript of the audio recording is attached as Exhibit A to this letter).

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transmission services will be available by the dates required in the RFP due to NOS revision uncertainty. The NOS revision process will not be completed until well after the RFP is over in 2013 and exposes ratepayers to hidden transmission delays and costs.

The risks of in-service date delays are real for projects that will rely on the BPA system. For example, the interplay between the I-5 Corridor Reinforcement and Port Westward II (“PWII”) shows the potential complications with relying on the BPA system. Current transmission modeling shows that the PGE PWII project exacerbates the South of Allstom constraint on the BPA system, which would require BPA to accelerate the I-5 corridor upgrades. BPA has significantly delayed this project beyond the in-service date required under the Flexible Capacity RFP due to challenges siting the proposed transmission line. PGE could potentially win the RFP with a BPA transmission plan for PWII that BPA cannot provide by the self-build in service dates. If that were to occur, PGE would then need to return to the Commission with an “urgent” request for approval of the Trojan to Horizon project to the detriment of ratepayers. Such a scenario could be avoided with a proper evaluation of the risks associated with the BPA NOS process.

An additional risk that must be addressed is the reliability risk associated with wheeling power across the BPA system where PGE has no control over costs, maintenance or operations. Well documented BPA transmission system constraints and oversupply lead to curtailments and puts the reliability of the PGE system at risk. *See* PGE 2009 Integrated Resources Plan at pp. 173-175. PGE has spent significant time ensuring that gas supply does not impede the reliability of the Flexible Capacity Resource; however, it appears that no consideration has been given to how BPA curtailments might impact reliability. PGE is already heavily dependent upon BPA and faces increasing reliability issues associated with curtailment risks to its existing firm transmission as BPA manages upgrades, maintenance and growing system constraints caused by the transfer limits of the various cutplanes. The reliability of the BPA system must be properly evaluated for projects using BPA’s system and compared to projects directly interconnecting to PGE.

Finally, the long-term cost assumptions for BPA transmission service are integral in assessing the benefits of a direct interconnection into the PGE system. As with the BPA cost assumptions used in UM 1613 (PGE Renewable RFP), PGE should release the BPA cost assumptions for stakeholder review and comment.

TEC would ask Commissioners to consider the following cure to remedy issues associated with evaluating a project proposing a direct interconnection into PGE versus a project relying on BPA transmission services:

- 1) direct PGE, the IE, and OPUC staff to review the scoring weights to ensure that the RFP properly evaluates costs, benefits, and risks associated with a project proposing a direct interconnection into PGE versus a project relying on BPA transmission services;

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- 2) compel PGE to release the BPA cost assumptions for stakeholder review and comment; and
- 3) direct PGE, the IE, and OPUC staff to review bidders' transmission plans, including PGE self-build options, to ensure that each plan meets the requirements of the RFP for long-term firm transmission.

II. Natural Gas Storage New Circumstances

Last fall, the OPUC agreed with the PGE position in ordering “that all bidders must demonstrate that they have a plan to acquire gas storage and intraday scheduling to be eligible to participate in the RFP for flexible capacity.” *See* OPUC Order No. 11-371, UM 1535 at p.4. In its June 5, 2012 Order No. 12-215, the OPUC quoted from this prior order that PGE has no “special advantage in acquiring these services,” and noted expressly at page 2: “[t]here is no indication that circumstances have changed.” TEC believes that PGE did in fact have a special advantage in negotiating a PWII gas storage agreement that was not based on location. Critical information regarding PGE’s gas storage agreement with NW Natural was not disclosed to the stakeholders or to the Commission.

To understand PGE’s advantage, the Commission must consider the current storage dynamics in the Pacific Northwest. Although the gas system benefits from two large market-area storage fields, Jackson Prairie and Mist, the only long-term contract for new gas storage services available to bidders in the RFP is through Northwest Natural’s Mist Storage Facility expansion. Northwest Natural is requiring bidders to commit to a minimum of 1 million Dth of storage capacity in order to enter a contract. *See* correspondence between NW Natural and TEC attached as Exhibit B to this letter. However, a storage volume of around 150 to 250 thousand cubic feet is more appropriate for a 200 MW peaking facility. This enormous storage contract is far too much storage volume for a comparable peaking facility to bid economically in the RFP, which is confirmed by PGE’s PWII bid.

PGE was able to bid PWII with a smaller volume of storage than NW Natural made available to other bidders, because the agreement was negotiated as part of a larger storage agreement for PGE’s rate-based fleet. While the OPUC knew that PGE had entered into a binding Precedent Agreement for firm storage capacity in the Emerald Storage expansion at Mist for “no notice service” to the proposed PWII Generating Station for daily injections and withdrawals, the Commission and the stakeholders did not know that the agreement is in fact for the PGE rate based fleet and the PWII self-build option. As disclosed in NW Natural’s current Form 549D filings at the Federal Energy Regulatory Commission, the current PGE contract with NW Natural at Mist is for an annual 1.2 million Dth expiring in April 2017. No member of the public has seen the new contract between PGE and NW Natural as it is claimed confidential.²

² TEC notes that the Emerald expansion is a proposal presumably in which PGE will be the anchor tenant for NW Natural. No other long term market-area storage is available to fit the RFP timing needs.

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PGE's purchasing power utilizing ratepayer assets has apparently allowed PGE to spread its large storage volume over multiple generating facilities with a new contract making PGE the potential new anchor tenant for the Emerald expansion of Mist. Unfortunately, allowing one bidder to benefit from the advantages of the ratepayer funded storage agreement skews the evaluation process and could result in PGE selecting a bid that is not the least cost option for ratepayers because another bidder using the same ratepayer funded storage agreement could provide a lower cost option. Because of this advantage, TEC believes that the treatment of gas storage in the RFP deserves the Commissioners' attention before the short list determinations are made.

Setting aside the prequalification requirement to acquire firm gas storage for flexible capacity fuel plans would allow bidders who qualify based upon other criteria to be subjected to an open and thorough review of each fuel plan. Such a review is important because a bidder's fuel transportation and storage agreements under a Tolling Agreement structure will ultimately be transferred to PGE and become part of PGE's portfolio of agreements, and an optimized PGE portfolio saves ratepayers' money. Additionally, resources bid into the RFP may include other forms of fuel storage (such as onsite liquid fuel) and not require gas storage to meet the RFP requirements for reliability and flexibility. Finally, allowing bidders who need gas storage and whose gas transportation plans can access Mist storage to utilize PGE's new Mist storage agreement would level the playing field. Such a cure may require a small amount of additional work, but would go a long way in ensuring that PGE ratepayers really do receive the least cost resource at the end of the RFP.

TEC would ask Commissioners to consider the following cure to remedy the PGE gas storage advantage:

- 1) set aside the prequalification requirement to demonstrate a plan to acquire firm gas storage for flexible capacity fuel plans;
- 2) direct PGE, the IE, OPUC staff and shortlisted bidders to collaboratively assess each shortlisted facility's fuel plan for the ability to meet PGE Flexible Capacity Resource needs, potential opportunities to optimize the resulting PGE portfolio of storage and transportation agreements, and reflect those savings in the evaluation of each shortlisted facility; and
- 3) direct PGE to separate the storage and transportation issues associated with natural gas storage and allow bidders whose gas transportation plans can access Mist storage to utilize the same PWII storage volume and pricing that PGE has negotiated using the purchasing power of the PGE ratepayers.

III. Conclusion

The RFP must accomplish the goals as laid out in the competitive bidding guidelines. Order No. 06-446 presents the competitive bidding goals as:

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1. Provide the opportunity to minimize long-term energy costs, subject to economic, legal and institutional constraints;
2. Complement Oregon's integrated resource planning process;
3. Not unduly constrain utility management's prerogative to acquire new resources;
4. Be flexible, allowing the contracting parties to negotiate mutually beneficial exchange agreements; and
5. Be understandable and fair.

The RFP in its current form does not accomplish goals "1" and "5" above. Additional transparency in scoring electric transmission services and gas storage for shortlisted projects will go a long way towards benefitting ratepayers by ensuring the success of the RFP in accomplishing the requisite goals. TEC asks the OPUC to grant it a forum and address the scoring criteria as outlined above for both BPA transmission and gas storage issues. TEC is prepared to address any questions the OPUC may have in a public hearing or meeting and respectfully requests that the Commission act on these issues before November 6, 2012.

Respectfully submitted,

/s/ Chad Stokes
Chad M. Stokes
Cable Huston

/s/ Paula Pyron
Paula E. Pyron
Attorney at Law

Of Attorneys for Troutdale Energy Center

Enclosures (2)

cc w/encs:

Mr. Jason Eisdorfer
Mr. Maury Galbraith
Mr. Erik Colville
UM 1535 Service List

Transcribed Audio 2. Mr. Lobdell, June 5, 2012 OPUC Meeting Excerpt:

Q (Commissioner Ackerman): I'm going to go back to the company because obviously, Jim, NIPPC raised three pretty big issues that they would like us to address, and I think Irion just raised another one. So could you please respond?

A (Mr. Lobdell): So starting with, let's just go back to the issue of transmission. Actually let's restate the three. It's transmission, it's gas storage, and it's tolling. Correct? Tolling agreement, and scoring.

Q (Commissioner Ackerman): And scoring, yeah, but...

Q (Commissioner Savage): And also address the double penalty issue.

A (Mr. Lobdell): And that's the tolling again.

A (Commissioner Savage): And one other I've got. Can I just do my updating of risks?

A (Mr. Lobdell): Updating of risks.

Q (Commissioner Savage): And the granularity one? What is the nature of the gaming?

A (Mr. Lobdell): Granularity. We will do a tag team approach, hopefully we will be able to answer all of your questions. First let's just start with transmission. When we looked at putting the RFP together and deciding about putting benchmark resources into the process in order to make it as competitive as possible, and always be able to come out with a resource at the end of the process that is actionable. We looked at the various PGE sites and those sites are just like any other site a developer would have, they are remote from our service territory. And as we all know the Bonneville system is the system that really envelopes all of us around in the Pacific NW. So as we were looking for transmission, we always assumed that first as we have in the past we go to the Bonneville system and in doing so we put in interconnection requests into the Bonneville NOS queues. So there are requests in for the Carty facility and an interconnection request in that NOS for that facility, just like anybody else would. In regards to the Port Westward site, because that runs by not only by the Bonneville system, but also runs by the PGE system, we put in requests into those systems as well. So when we look at the transmission projects that have been discussed here today in this forum, we look at those as alternatives. If those projects on a stand-alone basis can beat the operational and value considerations that can be provided for our customers then those projects ought to move forward. But those projects are not necessary in order to be a part of the evaluation of this RFP. We are looking at the Bonneville system as we have in the past. We are also looking at it from the perspective of all bids that come into our system are basically going to have more access to the Bonneville system than they will to our system, and so we thought to ensure a level playing field that we wanted the Bonneville system to be the proxy for transmission, and so as bids are put in, there will be a generator lead that will go from the site to the transmission system and that should be included in everybody's bid, and it is in the Port Westward capacity benchmark bid and it's included in the Carty energy bid. Now to move energy from that point forward then effectively we are looking at those other transmission systems because those are the ones that would be compared against those other transmission projects.

Q (Commissioner Savage): Can I follow up on that?

A (Mr. Lobdell): Certainly.

Q (Commissioner Savage): So we acknowledged Cascade Crossing with conditions, and you know what those conditions are in terms of making sure there is adequate subscription or equity to make it pay off.

A (Mr. Lobdell): And updating all of them.

Q (Commissioner Savage): And clearly the case that you made at that time, was that you were offsetting BP, I mean a huge part of your BC analysis is that you were offsetting Bonneville tariffs, correct?

A (Mr. Lobdell): Um hum

Q (Commissioner Savage): Alright I don't know if you can answer this question, but when you did that BC analysis, what did you assume about any new power plants in there?

A (Mr. Lobdell): We assumed that that line could be used to take generation off of the Bonneville system.

Q (Commissioner Savage): But I mean but when you were looking at the actual Bs and Cs did you use, did you include new plants? Or not include new plants? Did you only include acknowledged plants? Do you understand what I mean between your existing?

A (Mr. Lobdell): We assumed that in that transmission line that the Boardman Facility, the Carty facility, not Carty, the Coyote facility and any new generation that we developed in that area could hang off of that line, but those are all independent decisions. They weren't. The line goes through a wind rich area.

Q (Commissioner Savage): I understand. Where is the, did you include the benefit of a new plant using a cheaper new line than paying a Bonneville tariff rate? You may, again, you may not be able.

A (Mr. Lobdell): Can you say that again?

Q (Commissioner Savage) Okay. When you did the benefit cost analysis, and maybe this needs to go. This is getting technical. When you did the benefit cost analysis for Cascade Crossing, one of the big benefits was that you were foregoing Bonneville tariff payments.

A (Mr. Lobdell): Right.

Q (Commissioner Savage): That assumes a certain amount of power is being delivered across Bonneville lines, you know, for a period of time. My question is where did that power come from? And what did it include? What plants?

A (Mr. Lobdell): That assumed, the Boardman Facility, that assumed the Coyote Facility, that assumed that if we were to build additional generation in that area that that generation could also hang off of that line.

Q (Commissioner Savage): Alright on the south of Alstom. Right now, basically you are saying, we are not going to build it. That is your plan. Correct? No more, no less?

A (Mr. Lobdell): Right.

....

Transcribed Audio 3. Mr. Lobdell, June 5

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Q (Commissioner Savage): Can I just follow up before getting another comment? Right now when you are including your transmission costs so the transmission costs for the proposed plants that you are including in your self-builds, is, is just your Bonneville tariff rate? Correct, that's what you are doing now, no more, no less?

A (Mr. Lobdell): Right.

Q (Commissioner Ackerman): And that's the same burden that you are also putting on potentially?

A (Mr. Lobdell): Everybody else.

Q (Commissioner Ackerman): Everybody else in the bid process.

A (Mr. Lobdell): Right.

A (Mr. Toma): Unless those that are interconnected directly to our system.

A (Mr. Lobdell): Then those parties do not have them.

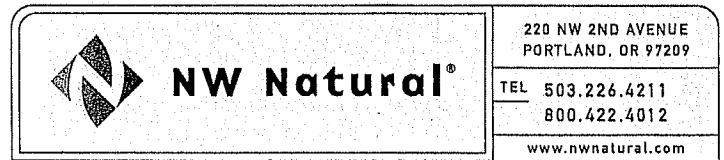
Q (Commissioner Savage): Correct. So right now it's, one of the bases, again one of the bases for Cascade Crossing was that it is cheaper, potentially cheaper to build than to have used the Bonneville system, you are using the Bonneville costs for your, for your benchmark plants?

A (Mr. Lobdell): For all parties.

Q (Commissioner Savage): Right.

....

David A. Weber
President and CEO
NW Natural Gas Storage, LLC
Tel: 503-220-2405
Fax: 503-721-2490
Toll Free: 1.800.422.4012
e-mail: daw@nwnatural.com



August 8, 2012

Mr. Bob Howard
Troutdale Energy Center
11 Martine Avenue, 9th floor
White Plains, NY 10606

Dear Bob:

Thanks for the quick response and continued interest in storage capacity from NW Natural (NWN). We are certainly interested in continued discussions with the Troutdale Energy Center (TEC) to see if there is a mutually acceptable way to meet the storage needs of your proposed project while underpinning an expansion. Unfortunately, as we have previously indicated, the storage service levels you have requested for your proposed project are not sufficient to support an expansion at Mist. In an effort to better explain our position, we would like to reiterate a couple of the points made in our letter to you, dated August 3, 2012 (Letter) and correct some of the conclusions that you appear to have reached about our position.

First, we are pleased that TEC has now changed its position and is willing to consider a 30 year-term firm storage service agreement; this is a step in the right direction. However, as we noted in our Letter, the decision to pursue a storage expansion is not simply a matter of delivery of the stored gas to a different location. While location is a major cost factor, the storage volumes you are requesting are simply too small to anchor an expansion investment. You may recall we have outlined the limitations of NWN's existing set of storage assets at Mist, which if available, would be a better fit for the capacity in which TEC is interested; but also as we noted in our Letter, NWN's existing storage capacity available for interstate storage service is already committed and/or subject to core recall. As such, it is not available for new storage service contracts of any significant term. In your letter dated August 6, 2012, you specify a range of storage service volumes that you believe to be reasonable for a project the size of which you are considering. However, in our discussions with other bidders expressing interest in NWN storage capacity, we have consistently said that we needed an expansion of 1 Bcf or greater with a 30 year service agreement in order to commit to provide storage service to them. Again, NWN's decision to invest in further storage development is influenced by the factors we outlined in our Letter and during previous discussions. Those factors remain fairly consistent and assume NWN develops a complete reservoir (as opposed to a partial reservoir). The proposals NWN has previously provided to TEC take similar development costs into consideration as the proposals made to other third-parties.

Second, we want to take this opportunity to clarify what was covered in the July 25th call with Kevin and Denny, and other discussions, by making the following points:

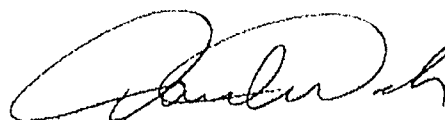
- a. We told you that the smallest reservoir available for development by NWN was 1 Bcf, not 1.5 Bcf. Additionally, we offered deliverability of 20,000 Dth/day for one or two years to help mitigate delay issues on an expansion, but only if there was a related long- term storage contract. The deliverability that you requested was for 40,000 Dth/day.

- b. You stated during our discussion last week that TEC was not interested in a long-term agreement at all. You indicated that TEC's preference was for only short-term storage service and that you would let other parties underwrite the long-term storage investment and perhaps subscribe to storage after the expansion was built. You seemed most interested in obtaining service from NWN's existing storage assets at that time.
- c. You probed several times around the issue of how NWN's expansion fit into PGE's overall gas portfolio and whether the incremental storage expansion was part of a larger PGE storage position with NWN. Consistent with our respect for the confidentiality of discussions with all potential shippers, we did not provide specific information regarding PGE's needs for volumes, cost, prices or other terms as you implied in your letter.
- d. Please note with respect to the copy of the Accion Group's Report of the Independent Evaluator: we did not ask you to send us that report; you sent this to us at your discretion. As NWN is not a party to the PGE formal RFP process, NWN has not signed the protective order in that proceeding, and we advised you of our status at that time. We are unsure if your disclosure violates the protective order in the PGE RFP docket.

In closing, NWN again states that it is more than willing to have further discussions with TEC if the discussions regard volumes large enough to underpin a storage expansion. The tenor you are now requesting suggests an expansion is required, but the size of storage service volumes you are requesting still cannot support a decision to expand solely on TEC's volumes. Moreover, while existing capacity appears to better fit your parameters, NWN is not able to contract to provide the storage service TEC requests using those existing assets on a long-term basis. For these reasons, at this time we do not believe it is economic or physically possible for NWN to offer the storage service that TEC is requesting. If we have misunderstood any of your proposed project's requirements, please advise. Gaining alignment on size seems to be the biggest gap at this point.

Thanks for your consideration.

Sincerely,



David A. Weber

DAW:tew

cc: Kevin McVay
Harry Judd, Accion
Erik Colville, OPUC
Jason Eisdorfer, OPUC

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the foregoing *Request for Hearing by Troutdale Energy Center for RFP Scoring Clarification* in UM 1535 via electronic mail and, where paper service is not waived, via postage-paid first class mail upon the following parties of record:

MATT KRUMENAUER OREGON DEPARTMENT OF ENERGY 625 MARION ST NE SALEM OR 97301 matt.krumenauer@state.or.us	VIJAY A SATYAL OREGON DEPARTMENT OF ENERGY 625 MARION ST NE SALEM OR 97301 vijay.a.satyal@state.or.us
JANET L PREWITT OREGON DEPARTMENT OF JUSTICE NATURAL RESOURCES SECTION 1162 COURT ST NE SALEM OR 97301-4096 janet.prewitt@doj.state.or.us	HAROLD T JUDD ACCION GROUP INC. 244 NORTH MAIN STREET CONCORD NH 03301 hjudd@acciongroup.com
GORDON FEIGHNER CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, STE 400 PORTLAND OR 97205 gordon@oregoncub.org	ROBERT JENKS CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, STE 400 PORTLAND OR 97205 bob@oregoncub.org
G. CATRIONA MCCRACKEN CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, STE 400 PORTLAND OR 97205 catriona@oregoncub.org	IRION A SANGER DAVISON VAN CLEVE 333 SW TAYLOR - STE 400 PORTLAND OR 97204 ias@dvclaw.com
S BRADLEY VAN CLEVE DAVISON VAN CLEVE PC 333 SW TAYLOR - STE 400 PORTLAND OR 97204 bvc@dvclaw.com	JOHN W STEPHENS ESLER STEPHENS & BUCKLEY 888 SW FIFTH AVE STE 700 PORTLAND OR 97204-2021 stephens@eslerstephens.com; mec@eslerstephens.com

<p>ROBERT D KAHN NW & INTERMOUNTAIN POWER PRODUCERS COALITION 1117 MINOR AVENUE, SUITE 300 SEATTLE WA 98101 rkahn@nippc.org;rkahn@rdkco.com</p>	<p>NW ENERGY COALITION WENDY GERLITZ 1205 SE FLAVEL PORTLAND OR 97202 wendy@nwenergy.org</p>
<p>RANDY DAHLGREN PORTLAND GENERAL ELECTRIC 121 SW SALMON ST - 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com</p>	<p>V. DENISE SAUNDERS PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1WTC1301 PORTLAND OR 97204 denise.saunders@pgn.com</p>
<p>ERIK COLVILLE PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 erik.colville@state.or.us</p>	<p>STEPHANIE S ANDRUS PUC STAFF--DEPARTMENT OF JUSTICE BUSINESS ACTIVITIES SECTION 1162 COURT ST NE SALEM OR 97301-4096 stephanie.andrus@state.or.us</p>
<p>DONALD W SCHOENBECK REGULATORY & COGENERATION SERVICES INC 900 WASHINGTON ST STE 780 VANCOUVER WA 98660-3455 dws@r-c-s-inc.com</p>	<p>MEGAN WALSETH DECKER RENEWABLE NORTHWEST PROJECT 421 SW 6TH AVE #1125 PORTLAND OR 97204-1629 megan@rnp.org</p>
<p>JIMMY LINDSAY RENEWABLE NORTHWEST PROJECT 421 SW 6TH AVE #1125 PORTLAND OR 97204-1629 jimmy@rnp.org</p>	<p>GREGORY M. ADAMS RICHARDSON & O'LEARY PO BOX 7218 BOISE ID 83702 greg@richardsonandoleary.com</p>

PETER J RICHARDSON
RICHARDSON & O'LEARY PLLC
PO BOX 7218
BOISE ID 83707
peter@richardsonandoleary.com

CHUCK SIDES
TEPPER LLC
MANAGEMENT GROUP OF OREGON,
INC
PO BOX 2087
SALEM OR 97308
chucksides@mgoregon.com

Dated in Portland, Oregon, this 5th day of October 2012.

/s/ Tommy A. Brooks

Chad M. Stokes, OSB No. 004007
Tommy A. Brooks, OSB No. 076071
Cable Huston Benedict Haagensen & Lloyd
1001 SW Fifth Ave., Suite 2000
Portland, OR 97204-1136
Telephone: (503) 224-3092
Facsimile: (503) 224-3176
E-Mail: cstokes@cablehuston.com
tbrooks@cablehuston.com

Of Attorneys for the
Troutdale Energy Center