

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1169**

In the Matter of	)	
	)	MOTION TO SUSPEND
	)	PROCEEDING OF THE CITIZENS'
An investigation related to the	)	UTILITY BOARD OF OREGON
implementation of ORS 757.612.	)	(Request for Expedited Treatment, or in
	)	the alternative, a two week extension in
	)	the schedule.)
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**I. Introduction**

The Citizens' Utility Board of Oregon (CUB) moves to suspend this proceeding until such time as the parties are equipped with information that is essential to reach positions on the legal and policy questions raised in this docket.

CUB is convinced that the questions in this docket regarding levels of energy efficiency expenditure and implementation obligations are prematurely put to the stakeholders. The legal questions concern potential circumstances and exigencies that available data do not yet support. Likewise, responses to the policy questions will be necessarily uninformed and will reflect long-held positions, not policy recommendations based on the best available information. Until such time as the parties can review a new or updated conservation potential study and clarify the utility's investment role in UM 1056, this docket will not reflect the best legal and policy thinking of the parties, rather it will merely be a forum to rehash entrenched positions. This serves neither the Commission process nor the public interest.

The following parties support this motion: the PUC Staff, the Department of Energy, the Industrial Customers of Northwest Utilities, Associated Oregon Industries and the Northwest Energy Coalition. PGE does not oppose the motion. We also contacted PacifiCorp and Renewable Northwest Project and they did not have sufficient time to respond prior to our filing deadline.

We recommend that suspension continue until a conservation potential study covering the PGE and PacifiCorp service territories is completed, and UM 1056 is concluded. In addition, at that point, the Energy Trust of Oregon believes that it will have information regarding the reach and efficacy of its programs and therefore will be better informed about the potential to do more. At the very least, we ought to first update the conservation supply estimates developed prior to the roll out of the Energy Trust programs to reflect lessons learned from the Energy Trust and NW Energy Alliance programmatic experience.

We apologize for the timing of the motion, coming only two weeks prior to legal briefs in UM 1169, but it was working through those issues for the brief that we discovered how inappropriate the timing of this docket is. Therefore, we request either an expedited treatment of this motion, or in the alternative, a delay in the filing of legal briefs, originally scheduled for February 18, 2005, in order to allow parties to respond to this motion.

## **II. The Underlying Basis for the Docket**

The underlying basis for the docket seems to have been to present a series of isolated questions regarding the ability to fund energy efficiency programs beyond the level currently administered by the Energy Trust and the ability and advisability of the utilities implementing the programs. Staff Memo, September 10, 2004. There is no common understanding of why these questions are being asked at this time. There has been no showing that the conservation potential

or the capabilities of the conservation industry justify increasing the public purpose charge, nor has there been any case made to justify additional parties implementing energy efficiency programs. In time, the cases for all these points may or may not be made, but it is premature to address legal and policy issues without an underlying basis to ask the questions. For example, CUB believes that the Northwest Power and Conservation Council's Fifth Power Plan identifies significant conservation potential in the region, but we are unable at this point to determine the potential in the PGE and PacifiCorp service territories and the corresponding energy efficiency investment levels.

### **III. The Need for a Conservation Potential Study**

Essential to addressing the policy question of how to acquire the right amount of energy efficiency, and instructive as to whether the legal questions are even ripe, is a conservation potential study for the service territories of PGE and PacifiCorp.

First, such a study will identify whether the legal question of whether 757.612 allows for energy efficiency expenditure beyond current levels is relevant or ripe.

As for the policy comments, without a conservation potential study, any points of view on the appropriateness of expanding the public purposes charge is based purely on prejudice. Without such a study, the parties are not commenting on whether the data and the business environment support a given position, they are simply restating established viewpoints. The Commission has heard many of the arguments before and will not gain any new information or insight that leads toward a supportable policy. With a conservation potential study, the parties can debate the issue from an informed position and offer the Commission something more than platitudes.

As stated above, short of a new study, we should at least attempt to assimilate the

information in the Fifth Power Plan, the specifics of the service territories at issue, and the substantial amount of information gathered as a result of the Energy Trust's programs in the last two years.

If CUB's motion is granted and UM 1169 is suspended, CUB will initiate informal discussions with the UM 1169 parties to determine how to begin the conservation potential study or explore how to update the existing conservation supply estimates with the more relevant up-to-date information.

#### **IV. UM 1056 Will Begin to Answer Some of These Questions**

The Commission has recently restarted UM 1056, which is an investigation into the requirements of least cost planning. That docket will be examining issues which are related to and can help form the answers to the questions in UM 1169. For example, the original issues list for UM 1056 included the following issue "How does the Oregon Energy Trust's responsibility for conservation and renewable resources affect the least cost planning process for electrical utilities?" Issues List, August 20, 2002. Discussion of this issue in the collaborative framework envisioned in the UM 1056 process will go a long way toward answering the policy issues in UM 1169. Parties have waited for two years for UM 1056 to progress and CUB feels we should move forward with UM 1056 first and let those results inform the development of positions in UM 1169. An initial workshop is scheduled for early April in the UM 1056 case.

Another issue that has been preliminarily raised in UM 1169 is CHP's (combined heat and power) relationship to the public purposes charge. CUB feels that the obvious place to explore the role of CHP in a utility's resource acquisition strategy is in UM 1056. Clearly a particular answer to the CHP question in UM 1056 will moot the issue in UM 1169.

The overall significance of energy efficiency, CHP and demand side management in a

utility's resource acquisition plan is far more appropriately considered within the larger context of the least cost planning investigation, not in an isolated and disconnected proceeding.

## V. Conclusion

For all the reasons outlined above, CUB respectfully requests that the Commission suspend UM 1169 until a conservation potential study covering the PGE and PacifiCorp service territories is completed, and UM 1056 is concluded. We request either expedited treatment of this motion, or in the alternative, a delay in the schedule for two weeks until we can resolve the suspension issue.

Dated this 4<sup>th</sup> day of February, 2005  
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Eisdorfer". The signature is written in a cursive style with a long horizontal stroke extending to the right.

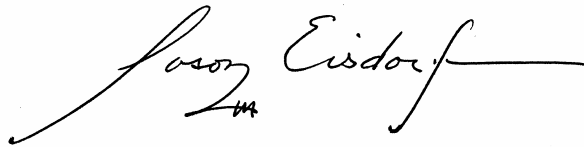
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Jason Eisdorfer #92292  
Attorney for Citizens' Utility Board of Oregon

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of February, 2005, I served the foregoing Motion to Suspend of the Citizens' Utility Board of Oregon in docket UM 1169 upon each party listed below, by email and U.S. mail, postage prepaid, and upon the Commission by email and U.S. mail, postage prepaid, to the Commission's Salem Offices.

Respectfully submitted,



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