

HARDY MYERS
Attorney General



PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

January 27, 2005

VIA EMAIL AND U.S. MAIL

Christina M. Smith
Administrative Law Judges
Administrative Hearings Division
Public Utility Commission of Oregon
550 Capitol Street NE, Suite 215
Salem, OR 97301-2551
christina.smith@state.or.us

Re: *In the Matter of an Investigation Related to the Implementation of ORS 757.612*
PUC Docket No. UM 1169
DOJ File No. 330-020-GN0049-05

Enclosed are an original and five copies of Oregon Department of Energy's Motion to Intervene Out of Time and Petition to Intervene in the above-captioned matter for filing with the PUC today.

Sincerely,

Janet L. Prewitt
Assistant Attorney General
Natural Resources Section

Enclosures
c: Phil Carver, ODOE
UM 1169 Service List

JLP:jrs/GENL5276

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1169

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| In the Matter of an investigation |) | |
| related to the implementation |) | MOTION TO |
| of ORS 757.612 |) | INTERVENE |
| |) | OUT OF TIME |
| _____ |) | |

The Oregon Department of Energy (ODOE) hereby moves for permission to intervene out of time. ODOE’s Petition to Intervene is attached to this Motion.

Granting this petition for late intervention will not unreasonably delay the proceeding nor prejudice the rights of other parties to the proceeding. ODOE does not seek to add policy issues to the five listed in the Consolidated Issues list filed by staff on January 14, 2005.

ODOE is statutorily charged, under ORS 469.060, with making “recommendations for state and local governments to assist in the development and maximum use of cost-effective conservation and renewable resources, consistent with the energy policy stated in ORS 469.010 * * *.” (ORS 469.060(3)(f)). In aid of that responsibility, ODOE “may intervene in any proceeding undertaken by an agency for the purpose of expressing its views as to the effect of an agency action, upon state energy resources and state energy policy.” ORS 469.110(2).

For the foregoing reasons, the Oregon Department of Energy respectfully requests that the Commission exercise its discretion to grant ODOE’s Motion to Intervene Out of Time.

DATED: January 27, 2005

Janet L. Prewitt
Attorney for
Oregon Department of Energy

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1169

In the Matter of an investigation)
related to the implementation) PETITION TO
of ORS 757.612) INTERVENE
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_____)

NAME OF PETITIONER: Oregon Department of Energy

ADDRESS: 625 Marion Street NE, Salem, OR 97310

PHONE NUMBER: (503) 378-6678

FAX NUMBER: (503) 378-6163

E-MAIL ADDRESS: philip.h.carver@state.or.us

NAME OF COUNSEL FOR PETITIONER: Janet Prewitt

COUNSEL'S ADDRESS: Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096

COUNSEL'S PHONE NUMBER: (503) 947-4500

COUNSEL'S FAX NUMBER: (503) 378-3802

COUNSEL'S E-MAIL ADDRESS: janet.prewitt@doj.state.or.us

PLEASE SEND COPIES TO: Philip H. Carver, Oregon Department of Energy, 625 Marion Street NE, Suite 1, Salem, OR 97301-3742.

IF THE PETITIONER IS AN ORGANIZATION, THE NUMBER OF MEMBERS IN AND THE PURPOSES OF THE ORGANIZATION: N/A

NATURE AND EXTENT OF THE PETITIONER'S INTEREST IN THE PROCEEDING:

Under ORS 469.030, the Oregon Department of Energy is statutorily charged with the responsibility to study, evaluate and disseminate information about energy use in Oregon. ODOE's responsibilities include the preparation of a comprehensive energy plan under ORS 460.060 and an energy forecast under ORS 469.070. As part of these responsibilities, under ORS 469.060 ODOE is charged with making "recommendations for state and local governments to assist in the development and maximum use of cost-effective conservation and renewable resources, consistent with the energy policy stated in ORS 469.010 * * *." (ORS 469.060(3)(f)). In aid of that responsibility, ODOE "may intervene in any proceeding undertaken by an agency for the purpose of expressing its views as to the effect of an agency action, upon state energy resources and state energy policy." ORS 469.110(2).

THE ISSUES THE PETITIONER INTENDS TO RAISE AT THE PROCEEDING:

Unknown at this time.

ANY SPECIAL KNOWLEDGE OR EXPERTISE OF THE PETITIONER THAT WOULD ASSIST THE COMMISSION IN RESOLVING THE ISSUES IN THE PROCEEDING:

See description of the Department of Energy's interest, above.

Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-013-0021.

Petitioner or Petitioner's Representative

Date

SERVICE LIST UM 1169

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| <p>RATES & REGULATORY AFFAIRS PORTLAND GENERAL ELECTRIC RATES & REGULATORY AFFAIRS 121 SW SALMON STREET, 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com</p> | <p>STEPHANIE S ANDRUS DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 stephanie.andrus@state.or.us</p> |
| <p>JULIE BRANDIS ASSOCIATED OREGON INDUSTRIES 1149 COURT ST NE SALEM OR 97301-4030 jbrandis@aoi.org</p> | <p>JACK BREEN PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 jack.breen@state.or.us</p> |
| <p>LOWREY R BROWN CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org</p> | <p>KEN CANON INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES 825 NE MULTNOMAH STE 180 PORTLAND OR 97232-2158 kcanon@icnu.org</p> |
| <p>JASON EISDORFER CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org</p> | <p>JAMES F FELL STOEL RIVES LLP 900 SW 5TH AVE STE 2600 PORTLAND OR 97204-1268 jffell@stoel.com</p> |
| <p>TROY GAGLIANO RENEWABLE NORTHWEST PROJECT 917 SW OAK, SUITE 303 PORTLAND OR 97205 troy@rnp.org</p> | <p>ANN ENGLISH GRAVATT RENEWABLE NORTHWEST PROJECT 917 SW OAK - STE 303 PORTLAND OR 97205 ann@rnp.org</p> |
| <p>KATHERINE A MCDOWELL STOEL RIVES LLP 900 SW FIFTH AVE STE 1600 PORTLAND OR 97204-1268 kamcdowell@stoel.com</p> | <p>CHRISTY OMOHUNDRO PACIFICORP 825 NE MULTNOMAH BLVD STE 800 PORTLAND OR 97232 christy.omohundro@pacificorp.com</p> |
| <p>DENISE SAUNDERS PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1WTC1300 PORTLAND OR 97204 denise.saunders@pgn.com</p> | <p>JOHN W STEPHENS ESLER STEPHENS & BUCKLEY 888 SW FIFTH AVE STE 700 PORTLAND OR 97204-2021 stephens@eslerstephens.com</p> |
| <p>S BRADLEY VAN CLEVE DAVISON VAN CLEVE PC 333 SW TAYLOR, STE 400 PORTLAND OR 97204 mail@dvclaw.com</p> | <p>STEVEN WEISS NORTHWEST ENERGY COALITION 4422 OREGON TRAIL CT NE SALEM OR 97305 steve@nwenergy.org</p> |

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January 2005, I served the foregoing MOTION TO INTERVENE OUT OF TIME and PETITION, upon, the persons named on the attached service list, by mailing a full, true and correct copy thereof addressed to the persons at the addresses on the service list.

DATED: January 27, 2005

Janet L. Prewitt, #85307
Assistant Attorney General