



Portland General Electric Company
Legal Department
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V. Denise Saunders
Associate General Counsel

August 29, 2017

Via Electronic Filing

Oregon Public Utility Commission
Attention: Filing Center
PO Box 1088
Salem OR 97308-1088

Re: **UM 1728 – PORTLAND GENERAL ELECTRIC COMPANY’s Application to Update Schedule 201 Qualifying Facility Information**

Attention Filing Center:

Enclosed for filing is Portland General Electric Company’s supplement to its August 28, 2017 Response to Staff’s Motion for Stay in Docket UM 1728.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "V. Denise Saunders". The signature is written in a cursive, flowing style.

V. Denise Saunders
Associate General Counsel

VDS:bop

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1728

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

Application to Update Schedule 201
Qualifying Facility Information.

**PORTLAND GENERAL ELECTRIC
COMPANY'S SUPPLEMENT TO
RESPONSE TO STAFF'S MOTION FOR
STAY**

I. INTRODUCTION

Portland General Electric Company (“PGE”) respectfully submits this supplement to its August 28, 2017 response to Commission Staff’s August 25, 2017 motion for stay. PGE does not object to Staff’s motion for stay if the conditions discussed in PGE’s August 28, 2017 response and this supplement are incorporated as part of any stay; otherwise, PGE requests that the Public Utility Commission of Oregon (“Commission”) or its Administrative Law Judge (“ALJ”) deny the request for stay.

II. BACKGROUND

On August 8, 2017, the Commission partially acknowledged PGE’s 2016 integrated resource plan (“IRP”). On August 18, 2017, PGE filed an updated Schedule 201 and updated standard avoided cost prices based on PGE’s 2016 IRP. Consistent with OAR 860-029-0040(4)(a), PGE proposed that the updated prices become effective September 18, 2017.

On August 18, 2017, PGE also filed a motion for immediate, temporary relief from Schedule 201 prices. PGE asked the Commission to suspend its obligation to offer or enter into Schedule 201 contracts with qualifying facilities (“QFs”) larger than 100

kilowatts from August 8, 2017 until the date the Commission allowed the updated Schedule 201 prices to become effective. In the alternative, PGE asked the Commission to make the updated prices effective August 8, 2017. In the alternative, PGE asked for such other relief as the Commission deemed appropriate.

On August 25, 2017, Staff filed a motion to stay further process on PGE's August 18, 2017 motion pending Commission consideration of PGE's updated Schedule 201 prices. Staff argued that the Commission will consider the updated prices on or before September 12, 2017, and that the Commission's approval of the updated prices could moot PGE's August 18, 2017 motion.

On August 28, 2017 PGE filed a response and agreed that its August 18, 2017 motion would be moot if the Commission approves the updated Schedule 201 prices *effective August 8, 2017*. PGE further noted that its motion would not be moot and would need to be resolved if the Commission suspends the updated Schedule 201 prices or approves them with an effective date that is *after* August 8, 2017.

III. DISCUSSION

In its August 28, 2017 response, PGE indicated that it does not oppose a stay if certain assumptions are recognized in any ruling granting stay; otherwise PGE requested that a stay be denied. PGE continues to take the position articulated in its August 28, 2017 response; however, PGE seeks to clarify one point. If a stay is granted, then at the public meeting to consider the updated Schedule 201 prices, PGE intends to argue that the Commission should approve the updated prices *effective August 8, 2017* (or effective on such other date as the Commission deems appropriate to protect PGE's customers from the substantial and irreparable harm discussed in PGE's August 18, 2017 motion).

In other words, PGE intends to argue that the facts alleged in its August 18, 2017 motion support the Commission granting a retroactive effective date for the updated prices.

PGE respectfully requests that any order granting Staff's August 25, 2017 motion for stay clarify that PGE is not stayed from seeking a retroactive effective date for the updated prices based on the facts and harm alleged in PGE's August 18, 2017 motion. If the ALJ or Commission does not so clarify any stay, then PGE opposes a stay and urges the Commission or its ALJ to deny Staff's August 25, 2017 motion for stay.

The idea behind a stay, as PGE understands it, is to allow Staff and the parties to focus on the Commission's consideration of the updated prices at a special or regular public meeting to occur on or before September 12, 2017, and to determine whether the results of that meeting moot PGE's August 18, 2017 motion. As part of such an approach, the Commission should consider a retroactive effective date for the updated prices during the public meeting. In order to consider a retroactive effective date for the updated prices, the Commission must consider the facts and harm alleged in PGE's August 18, 2017 motion as part of its deliberations at the public meeting. It is important that the Commission not be prevented from considering such an outcome at its public meeting because of a stay on the deadline for responses to PGE's August 18, 2017 motion.

IV. CONCLUSION

For the reasons discussed above, PGE requests that any order granting Staff's August 25, 2017 motion for stay include the following conditions or clarifications:

- (1) The Commission recognizes that if a stay is granted, PGE seeks a retroactive effective date of August 8, 2017 for its updated Schedule 201 prices based on the facts and harm alleged in PGE's August 18, 2017 motion.

- (2) Stay of the deadline to respond to PGE's August 18, 2017 motion shall not prevent the Commission from considering whether to approve the updated prices with a retroactive effective date in order to address the facts and harm alleged in PGE's August 18, 2017 motion.

In the alternative, PGE requests that a stay contain such other clarifications or conditions as the ALJ or Commission deem necessary to allow PGE to seek a retroactive effective date for its updated prices. In the alternative, if the ALJ or Commission does not so clarify the limits of any stay, PGE requests that the ALJ or Commission deny Staff's August 25, 2017 request for stay.

Dated this 29th day of August 2017.

Respectfully submitted,



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