



**Portland General Electric Company**  
121 SW Salmon Street • 1WTC0306 • Portland, OR 97204  
portlandgeneral.com

July 19, 2022

***Via Electronic Filing***

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High St. SE, Suite 100  
P. O. Box 1088  
Salem, OR 97308-1088

**Re: UM-1789 PGE's Application for Reauthorization of Deferral of Revenues and Costs Related to the Portland Harbor Environmental Remediation Account, Schedule 149**

Enclosed for filing is Portland General Electric Company's (PGE) Application for Reauthorization of Deferral Revenues and Costs Related to the Portland Harbor Environmental Remediation Account, Schedule 149, with an effective date of July 20, 2022.

PGE initially received authorization to defer revenues and expenses through OPUC Order No. 17-071, and most recent reauthorization approval through Commission Order No. 21-453. A notice regarding this reauthorization application has been provided to the parties on the UM 1789 and UE 394 service lists.

If you have any questions or require further information, please call Stefan Cristea at 503-464-8033. Please direct all formal correspondence and requests to the following e-mail address: [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com).

Sincerely,

*/s/ Jaki Ferchland*

Jaki Ferchland  
Manager, Revenue Requirement

JF/np  
Enlosure

cc: Service Lists: UE 394 and UM 1789

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1789**

In the Matter of  
Portland General Electric Company  
PGE Deferral of Costs Related to  
Schedule 149

Application for Reauthorization of Deferral  
of Revenues and Costs Related to the  
Portland Harbor Environmental  
Remediation Account, Schedule 149

Pursuant to ORS 757.210, ORS 757.259, and OAR 860-027-0300, and Commission Order No. 17-393, Portland General Electric Company (PGE) hereby requests reauthorization to defer for later rate-making treatment certain revenues and expenses associated with environmental remediation activities in connection with Portland Harbor and Downtown Reach sites and the Harborton Restoration Project (Project). These revenues and expenses include construction, environmental permitting and design of the Project, Project created Discounted Service Acre Year (DSAY) revenues,<sup>1</sup> insurance proceeds associated with environmental claims coverage and the costs of pursuing historical insurers, Schedule 149 tariff revenues, any Natural Resources Damages Assessment (NRDA) liability and the legal and technical support for the Project, NRDA settlement processes and defense of potential Portland Harbor liability. PGE is requesting this reauthorization commence effective July 20, 2022 through July 19, 2023. PGE will seek amortization of the deferred amounts in a future Commission proceeding.

---

<sup>1</sup>DSAY debits represent a Potential Responsible Party's obligation to compensate for injury to natural resources and DSAY credits are generated by a project that restores natural resources and can be used to offset a party's Natural Resource Damage obligation.

## **I. Deferral History**

PGE anticipated it will be assessed liability for parcels along or within the Willamette River area in two ways: (1) environmental remediation damages to fund the cleanup required by the U.S. Environmental Protection Agency (EPA) for contaminated sites, and (2) natural resource damages assessed by the Portland Harbor Natural Resource Trustee Council, to compensate for injury to fish, wildlife, and other natural resources. In addition, PGE is liable for any historic environmental liability from the former Station L plant and Hawthorne Building, along with the cleanup of three sites in Downtown Reach (River Miles 13.1 and 13.5 areas and the Station L cap) under the jurisdiction of the Oregon Department of Environmental Quality (DEQ). The former Station L plant and Hawthorne Building were the source of the contamination that reached the river. The Station L cap was remediated to the standards at that time (roughly 30 years ago). Cleanup standards do change over time and these sites could potentially be subject to additional review by DEQ. Contamination from the Hawthorne Building was cleaned up more recently under current standards. The cleanup of the Downtown Reach sites is complete, however, there will be ongoing monitoring and maintenance costs for 30 years after construction.

Pursuant to Commission Order No. 17-071, PGE files quarterly update reports with detailed descriptions of environmental activities and developments regarding the Portland Harbor Environmental Remediation. For most recent information regarding the project please see PGE's June 2022 Quarterly Update Report submitted on June 29, 2022.<sup>2</sup>

On July 15, 2016, PGE made three filings accompanied by testimony and exhibits. The Commission consolidated the dockets as follows:

---

<sup>2</sup>The report was submitted as protected information subject to Protective Order No. 16-270, here: <https://edocs.puc.state.or.us/efdocs/HAD/um1789had161518.pdf>

1) UP 344 – a request for authorization to restore and enhance a parcel within Portland Harbor and to monetize the resulting environmental credits for the benefit of ratepayers involving a request to place a deed restriction on approximately 53 acres of utility property, and to sell the DSAY credits generated from the project;

2) UE 311 – PGE’s proposal for a new environmental rate schedule (Schedule 149) with an automatic adjustment clause.<sup>3</sup> PGE has begun tracking expenditures and revenues associated with environmental remediation of Portland Harbor and Downtown Reach and the proposed Project, through Advice 16-11, a new mechanism titled Portland Harbor Environmental Remediation Account (PHERA); and

3) UM 1789 – a deferred account for tracking environmental-related costs and revenues according to the conditions of the PHERA. PGE sought the account under ORS 757.259(2)(e), which allows and authorizes deferral of expenses or revenues for later incorporation into rates to minimize the frequency of rate changes or the fluctuation of rate levels or to match appropriately the costs borne by and benefits received by ratepayers.

The three dockets were consolidated, parties held a workshop during which PGE provided factual and technical specifications of its applications and negotiated settlement terms in a settlement conference. Parties also held oral arguments to provide additional explanations regarding the meaning of the stipulation and how it serves the public interest.

The parties agreed on the settlement terms and the Commission, through OPUC Order No. 17-071, authorized PGE to:

1) Place a deed restriction on the Harborton property and sell DSAY credits created

---

<sup>3</sup> ORS 757.210(1)(b) defines "automatic adjustment clause" as a provision of a rate schedule that provides for rate increases or decreases without prior hearing, reflecting increases or decreases in utility costs, taxes, or revenues, and that is subject to Commission review at least every two years.

by the Project, subject to condition that PGE will not be entitled to recover any Project development costs to the extent those costs exceed PGE's DSAY revenues.

2) Create Schedule 149 and implement it as an automatic adjustment clause, the PHERA,<sup>4</sup> designed to allow for offsetting of environmental remediation costs<sup>5</sup> with environmental remediation<sup>6</sup> revenues incurred or received after July 15, 2016; and

3) Open a deferred account for deferral of costs and revenues under the PHERA, with remediation costs and revenues effective July 15, 2016.

## **II. OAR 860-027-0300 Requirements**

The following is required pursuant to OAR 860-027-0300(3):

a. Description of Utility Expense for Which Deferred Accounting is Requested.

Pursuant to ORS 757.259 (2) (e), PGE seeks reauthorization of the deferred accounting treatment of the revenues and expenses associated with the deferral and balancing account associated with Schedule 149 and PHERA. The Commission approved PGE's prior deferral reauthorization application filed July 20, 2021, through Commission Order No. 21-453. PGE requests a deferral reauthorization period of July 20, 2022, through July 19, 2023.

The utility expenses and revenues for which PGE is seeking reauthorization of deferred accounting treatment are associated with environmental remediation activities at Portland Harbor and Downtown Reach sites and the Project. The expected expenses and revenues relate to construction, legal expenses caused by pursuing historical insurers and for the process to determine

---

<sup>4</sup> The Commission anticipates the PHERA will be reviewed and revised at numerous points in time and that PGE will report annually on the status of PGE's environmental remediation activities and insurance litigation.

<sup>5</sup> Environmental Remediation Costs are costs related to remediation of the Portland Harbor and Downtown Reach sites, the Natural Resource Damage obligation, Harborton Restoration Project O&M and endowment costs, and costs related to pursuing insurance recoveries.

<sup>6</sup> DSAY revenues net of prudent Harborton Restoration Project development costs, insurance proceeds, the \$3.56 million included in base rates for environmental remediation activities at Portland Harbor and Downtown Reach, the Schedule 149 tariff revenue, and interest.

an allocation percentage that represents PGE’s portion of the liability to clean-up Portland Harbor (i.e., PCI allocation), Schedule 149 tariff revenues, insurance proceeds, and DSAY revenues net of Project development costs. Amounts in the deferral - balancing account accrue interest at the Commission-authorized rate of return<sup>7</sup> for deferred accounts.

b. Reasons for Deferral

See Deferral History above. The granting of this application will minimize the frequency of rate changes and match more appropriately the costs borne by and benefits received by customers. PGE last received approval of this deferral through Commission Order No. 21-453 for the deferral period of July 20, 2021, through July 19, 2022.

Without additional reauthorizations, this deferral expires on July 19, 2022. PGE expects any deferred amount to be recovered or refunded in a manner approved by the Commission and consistent with the terms of Schedule 149.

c. Proposed Accounting for Recording Amounts Deferred.

PGE proposes to continue to record deferred amounts accrued or incurred into the following regulatory asset account on the balance sheet:

- 182.3001 Other Regulatory Assets – Portland Harbor Environmental Costs
- 182.3001 Other Regulatory Assets – Natural Resource Damages
- 182.3001 Other Regulatory Assets – Environmental Administrative and Legal Costs

Without reauthorization of this deferral, PGE would record the offset amounts (debit amounts) in the subaccounts of FERC account 401 (Utility Operation Expense).

---

<sup>7</sup> Pre-tax balances in the PHERA Annual Account that have not been deemed prudent by Commission order accrue interest at the authorized rate of return approved in PGE’s most recent general rate case. Environmental expenses and revenues that have been reviewed for prudence and deemed prudent by the Commission will be transferred in the PHERA Balancing Account and will accrue interest at the average of the five-year US Treasury rate plus 100 basis points (PURE Rate).

As it relates to amounts incurred in conjunction with the Project for the creation of DSAY credits, PGE will defer such capital and on-going O&M costs into the sub accounts of 182.3 (Other Regulatory Assets – DSAY Inventory).

In the absence of regulatory accounting, these amounts would be recorded in balance sheet subaccount 156 (Other Materials & Supplies Inventory – DSAYs).

Proceeds from the sale of DSAYs and insurance recoveries will be recorded within the subaccounts of 182.3 (Other Regulatory Asset/Liability – Environmental Balancing) for the purpose of offsetting deferred environmental costs and recovery through the PHERA. In the absence of regulatory accounting treatment, the DSAY proceeds would be recorded in subaccount 457 (Miscellaneous Revenue) and the insurance recoveries would be recorded in subaccount 923 (Outside Services) to offset expenses incurred.

d. Estimate of Amounts to be Recorded for the Next 12 Months.

PGE estimates the deferred amount of environmental remediation costs net of environmental remediation revenues to be approximately \$5.2 million, for the period July 20, 2022 through July 19, 2023. This estimate is provided in confidential Exhibit 1.

e. Notice

A copy of the notice of application for reauthorization of deferred accounting treatment and a list of persons served with the Notice are attached to the Application as Attachment A. In compliance with the provisions of 860-027-0300(6), PGE is serving the Notice of Application on the UE 394 Service List, PGE's last general rate case.

**III. The following is provided pursuant to OAR 860-027-0300(4):**

a. Description of Deferred Account Entries

Please see sections II (a) and II (b) above.

b. The Reason for Continuing Deferred Accounting. B

PGE seeks approval to continue to defer expenses and revenues associated with Schedule 149 and PHERA between July 20, 2022 and July 19, 2023 as described in II (a) and II (b) above. Without reauthorization, this deferral will expire on July 19, 2022.

**IV. Summary of Filing Conditions**

a. Earnings Review

An earnings review is required prior to amortization, pursuant to ORS 757.259(5). Pursuant to Commission Order No. 17-071 approving the proposed PHERA recovery mechanism in Schedule 149, following a prudence review, PGE will be allowed to place prudent expenses and proceeds into the PHERA to the extent that PGE's Actual Regulated Return on Equity (ROE) does not exceed its ROE authorized by the Commission in PGE's most recent general rate case. A fixed \$6.0 million each year in environmental remediation costs, and Harborton Restoration Project development costs are not subject to the earnings test. For any amount in excess of the annual \$6.0 million amount, an earnings test will occur after the PCAM Earnings Test.

b. Prudence Review

The Public Utility Commission of Oregon (OPUC) will review and determine prudence of environmental costs and revenues associated with Schedule 149 and the PHERA that are being deferred during the calendar year. According to Commission Order No. 17-071 PGE is required to file a report each year of all activity associated with environmental remediation costs, environmental remediation revenues, and Harborton Restoration Project development costs in the PHERA annually by March 15, and Staff will submit its report within 120 days to the Commission recommending which amounts should be deemed prudent.



c. Sharing

No sharing mechanism beyond the scope of the earnings review is necessary.

d. Rate Spread/Rate Design

Applicable costs will be functionalized to distribution, generation, and transmission based on the preponderance of the provided historical function. The amortization balance will be allocated to each rate as functionalized. Long-Term Direct Access customers will be priced at Cost-of-Service for purposes of allocating costs.

e. Three Percent Test (ORS 757.259(6))

The three percent test measures the annual overall average impact on customer rates resulting from deferral amortizations. The three percent test limits (exceptions at ORS 757.259(7) and (8)) the aggregated deferral amortizations during a 12-month period to no more than three percent of the utility's gross revenues for the preceding year. ORS 757.259(8) allows the Commission to consider up to a six percent limit. The limit of these deferrals, if any, will be determined at the time of amortization. PGE has filed for an automatic adjustment clause in its Schedule 149 filing and, pursuant to the approval of PHERA through Commission Order No. 17--071, the three-percent test does not apply.

**V. PGE Contacts**

The authorized addresses to receive notices and communications in respect to this Application are:

Brendan McCarthy  
Associate General Counsel  
Portland General Electric  
1 WTC1301  
121 SW Salmon Street  
Portland, OR 97204  
Phone: 503.464.7371  
E-mail: [Brendan.McCarthy@pgn.com](mailto:Brendan.McCarthy@pgn.com)

PGE-OPUC Filings  
Rates & Regulatory Affairs  
Portland General Electric  
1 WTC 0306  
121 SW Salmon Street  
Portland, OR 97204  
Phone: 503.464.7805  
E-mail: [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com)

In addition to the names and addresses above, the following are to receive notices and communications via the e-mail service list:

Jaki Ferchland,  
E-mail: jacquelyn.ferchland@pgn.com

**VI. Conclusion**

For the reasons stated above, PGE requests permission to continue to defer certain expenses and revenues associated with environmental remediation effective July 20, 2022 through July 19, 2023.

DATED: July 19, 2022.

Respectfully Submitted,

*/s/ Jaki Ferchland*

Jaki Ferchland  
Manager, Revenue Requirement  
Portland General Electric Company  
121 SW Salmon Street, 1WTC0306  
Portland, OR 97204  
Telephone: 503.464.7488  
E-Mail: pge.opuc.filings@pgn.com

# **UM 1789**

## **Attachment A**

Notice of Application for Reauthorization of Deferral of Revenues and Costs  
Related to the Portland Harbor Environmental Remediation Account, Schedule 149

**UM 1789**

**Exhibit 1**

**Protected Information Subject to Protective Order No. 16-270**

Estimates of Revenues and Costs Related to  
the Portland Harbor Environmental Remediation Account,  
Schedule 149  
July 20, 2022 – July 19, 2023

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1789**

**In the Matter of  
Portland General Electric Company  
PGE Deferral of Costs Related to  
Schedule 149**

**Application for Reauthorization of  
Deferral of Revenues and Costs Related  
to the Portland Harbor Environmental  
Remediation Account, Schedule 149**

On July 19, 2022, Portland General Electric Company (PGE) filed an Application for Reauthorization of Deferral of Revenues and Costs Related to the Portland Harbor Environmental Remediation Account (PHERA) with the Public Utility Commission of Oregon (the Commission).

Approval for deferred accounting treatment will not authorize a change in PGE's rates, but will permit the Commission to consider allowing such deferred amounts in rates in a subsequent proceeding.

Persons who wish to obtain a copy of PGE's application will be able to access it on the Commission website.

Any person who wishes to submit written comments to the Commission on PGE's application must do so no later than August 20, 2022.

Dated: July 19, 2022.

*/s/ Jaki Ferchland*

Jaki Ferchland  
Manager, Revenue Requirement  
Portland General Electric Company  
121 SW Salmon Street, 1WTC0306  
Portland, OR 97204  
Telephone: 503.464.7488  
E-Mail: pge.opuc.filings@pgn.com

## CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **the Notice of Application for Reauthorization of Deferral of Revenues and Costs Related to the Portland Harbor Environmental Remediation Account, Schedule 149**, to be served by electronic mail to those parties whose email addresses appear on the attached service list for Commission Docket No. UE 394 and UM 1789.

DATED at Portland, Oregon, this 19<sup>th</sup> day of July 2022.

*/s/ Jaki Ferchland*

Jaki Ferchland  
Manager, Revenue Requirement  
Portland General Electric Company  
121 SW Salmon St., 1WTC0306  
Portland, OR 97204  
Telephone: 503-464-7488  
E-Mail: [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com)

## SERVICE LISTS

### OPUC DOCKET NO. UM 1789

BRENDAN MCCARTHY (C) PORTLAND GENERAL ELECTRIC	121 SW SALMON ST 1WTC0307 PORTLAND OR 97204 brendan.mccarthy@pgn.com
---	--

#### INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES

TYLER C PEPPE (C) DAVISON VAN CLEVE, PC	1750 SW HARBOR WAY STE 450 PORTLAND OR 97201 tcp@dvclaw.com
--	---

#### OREGON CITIZENS UTILITY BOARD

OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY, STE 400 PORTLAND OR 97205 dockets@oregoncub.org
-----------------------------------	--

MICHAEL GOETZ (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY STE 400 PORTLAND OR 97205 mike@oregoncub.org
--	--

ROBERT JENKS (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY, STE 400 PORTLAND OR 97205 bob@oregoncub.org
---	--

#### PGE

JAKI FERCHLAND PORTLAND GENERAL ELECTRIC	121 SW SALMON ST. 1WTC0306 PORTLAND OR 97204 jacquelyn.ferchland@pgn.com
---	--

#### PGE UM 1789

JAY TINKER (C) PORTLAND GENERAL ELECTRIC	121 SW SALMON ST 1WTC-0306 PORTLAND OR 97204 pge.opuc.filings@pgn.com
---	---

#### STAFF

STEPHANIE S ANDRUS (C) PUC STAFF--DEPARTMENT OF JUSTICE	BUSINESS ACTIVITIES SECTION 1162 COURT ST NE SALEM OR 97301-4096 stephanie.andrus@state.or.us
---	--

SCOTT GIBBENS (C) PUBLIC UTILITY COMMISSION OF OREGON	201 HIGH ST SE SALEM OR 97301 scott.gibbens@puc.oregon.gov
---	--

## SERVICE LIST OPUC DOCKET UE 394

WILLIAM STEELE BILL STEELE AND ASSOCIATES, LLC	PO BOX 631151 HIGHLANDS RANCH CO 80164 w.steele1@icloud.com
---	---

### AWEC

JESSE O GORSUCH (C) (HC) DAVISON VAN CLEVE	1750 SW HARBOR WAY STE 450 PORTLAND OR 97201 jog@dvclaw.com
---	---

CORRINE MILINOVICH (C) (HC) DAVISON VAN CLEVE, P.C.	1750 SW HARBOR WAY, STE. 450 PORTLAND OR 97201 com@dvclaw.com
--	---

TYLER C PEPPE (C) (HC) DAVISON VAN CLEVE, PC	1750 SW HARBOR WAY STE 450 PORTLAND OR 97201 tcp@dvclaw.com
---	---

### CALPINE SOLUTIONS

GREGORY M. ADAMS (C) (HC) RICHARDSON ADAMS, PLLC	PO BOX 7218 BOISE ID 83702 greg@richardsonadams.com
---	---

GREG BASS CALPINE ENERGY SOLUTIONS, LLC	401 WEST A ST, STE 500 SAN DIEGO CA 92101 greg.bass@calpinesolutions.com
--	--

KEVIN HIGGINS (C) (HC) ENERGY STRATEGIES LLC	215 STATE ST - STE 200 SALT LAKE CITY UT 84111-2322 khiggins@energystrat.com
---	--

### FRED MEYER

JUSTIN BIEBER (C) FRED MEYER/ENERGY STRATEGIES LLC	215 SOUTH STATE STREET, STE 200 SALT LAKE CITY UT 84111 jbieber@energystrat.com
--	---

KURT J BOEHM (C) BOEHM KURTZ & LOWRY	36 E SEVENTH ST - STE 1510 CINCINNATI OH 45202 kboehm@bkllawfirm.com
---	--

JODY KYLER COHN (C) BOEHM, KURTZ & LOWRY	36 E SEVENTH ST STE 1510 CINCINNATI OH 45202 jkylercohn@bkllawfirm.com
---	--

### OREGON CITIZENS UTILITY BOARD

OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY, STE 400 PORTLAND OR 97205 dockets@oregoncub.org
--------------------------------	--

WILLIAM GEHRKE (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY STE 400 PORTLAND OR 97206 will@oregoncub.org
--	--

MICHAEL GOETZ (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY STE 400 PORTLAND OR 97205
---	--



mike@oregoncub.org

**PGE**

PORTLAND GENERAL ELECTRIC

pge.opuc.filings@pgn.com

KIM BURTON (C) (HC)  
PORTLAND GENERAL ELECTRIC

121 SW SALMON ST - 1WTC1711  
PORTLAND OR 97204  
kim.burton@pgn.com

JAY TINKER (C)  
PORTLAND GENERAL ELECTRIC

121 SW SALMON ST 1WTC-0306  
PORTLAND OR 97204  
pge.opuc.filings@pgn.com

**SBUA**

JAMES BIRKELUND  
SMALL BUSINESS UTILITY  
ADVOCATES

548 MARKET ST STE 11200  
SAN FRANCISCO CA 94104  
james@utilityadvocates.org

DIANE HENKELS (C)  
SMALL BUSINESS UTILITY  
ADVOCATES

621 SW MORRISON ST. STE 1025  
PORTLAND OR 97205  
diane@utilityadvocates.org

**STAFF**

STEPHANIE S ANDRUS (C)  
PUC STAFF--DEPARTMENT OF  
JUSTICE

BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE  
SALEM OR 97301-4096  
stephanie.andrus@state.or.us

JILL D GOATCHER (C)  
PUC STAFF--DEPARTMENT OF  
JUSTICE

BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE  
SALEM OR 97301-4096  
jill.d.goatcher@doj.state.or.us

MATTHEW MULDOON (C)  
PUBLIC UTILITY COMMISSION OF  
OREGON

PO BOX 1088  
SALEM OR 97308-1088  
matt.muldoon@puc.oregon.gov

**WALMART**

VICKI M BALDWIN (C)  
PARSONS BEHLE & LATIMER

201 S MAIN ST STE 1800  
SALT LAKE CITY UT 84111  
vbaldwin@parsonsbehle.com

STEVE W CHRISS (C)  
WAL-MART STORES, INC.

2001 SE 10TH ST  
BENTONVILLE AR 72716-0550  
stephen.chriss@wal-mart.com

MADDELILNE MALMQUIST (C)  
WALMART

madelinemalmquist@parsonsbehle.com