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April 9, 2019

## *Via Electronic Filing*

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High St. SE, Suite 100  
Salem OR 97301

Re: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY,  
Advice No. 19-02 (ADV 919) New Load Direct Access Program  
**Docket No. UE 358**

Dear Filing Center:

Please find enclosed the Alliance of Western Energy Consumers' Motion to Designate Proceeding as Eligible for Issue Funds in the above-referenced docket.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Jesse O. Gorsuch  
Jesse O. Gorsuch

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UE 358**

|  |   |                             |
|--|---|-----------------------------|
| In the Matter of                           | ) |                             |
|  | ) |                             |
| PORTLAND GENERAL ELECTRIC                  | ) | MOTION OF THE ALLIANCE OF   |
| COMPANY,                                   | ) | WESTERN ENERGY CONSUMERS TO |
|  | ) | DESIGNATE PROCEEDING AS     |
| Advice No. 19-02 (ADV 919) New Load Direct | ) | ELIGIBLE FOR ISSUE FUNDS    |
| Access Program.                            | ) |                             |
| _____                                      | ) |                             |

Pursuant to Section 1(c)(v) of the Fourth Amended Intervenor Funding Agreement (“IFA”), approved on January 17, 2018 by the Oregon Public Utility Commission (“Commission”) in Order No. 18-017, and the Chief Administrative Law Judge’s February 12, 2018 Ruling in Docket No. UM 1909, the Alliance of Western Energy Consumers (“AWEC”) files this motion to designate the above-referenced docket as eligible for an Issue Fund Grant. The Oregon Citizens’ Utility Board has authorized AWEC to represent that it supports this motion.

Section 1(c)(v) of the IFA defines an “Eligible Proceeding For Issue Funds” as, among other things, a proceeding “so designated by the Commission that directly affects one or more of the Participating Utilities and is anticipated to have a substantial impact on utility rates or service, a significant impact on utility customers or the operations of the utility, is likely to result in a significant change in regulatory policy, or raises novel questions of fact or law.”

Portland General Electric Company (“PGE”) is one of the “Participating Utilities” in the IFA.<sup>1/</sup>

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<sup>1/</sup> IFA § 1(n).

Further, this proceeding has the potential to result in significant changes to regulatory policy, and raises novel questions of fact and law.

This docket is dedicated to investigating PGE’s proposed tariff filed to comply with the Commission’s newly enacted New Load Direct Access (“NLDA”) rules. In its tariff, PGE proposes two new charges that would apply to an NLDA customer – a “resource adequacy charge” (“RAD”) and a “resource intermittency charge” (“RIC”). The RAD would be assessed to NLDA customers to ensure “that PGE can secure capacity to adequately serve all load ...”<sup>2/</sup> The RIC, PGE states, is intended to cover the cost of “intra-hour capacity” PGE acquires when an electricity service supplier’s schedule does not match actual supply.<sup>3/</sup> To AWEC’s knowledge, the Commission has never approved charges like the RAD and RIC before and, therefore, they raise a number of novel policy and legal questions. This includes not only whether the RAD and RIC represent just and reasonable costs, but also whether the RAD recovers costs of capacity that is used and useful to customers, whether the RIC is already collected through PGE’s open access transmission tariff and, if not, whether it represents a cost over which the Commission has jurisdiction, whether the RIC and RAD are the least-cost, least-risk means of addressing the issues PGE raises, and others. These are novel and complex issues of law and regulatory policy that will require significant resources to address.

For the foregoing reasons, therefore, AWEC moves that the Commission designate this proceeding as one that qualifies as an “Eligible Proceeding for Issue Funds” under the IFA.

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<sup>2/</sup> PGE Adv. No. 19-02 at 6 (Feb. 5, 2019).

<sup>3/</sup> Id. at 7.

Dated this 9th day of April, 2019.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

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Of Attorneys for the Alliance of

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