

Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • jog@dvclaw.com
Suite 450
1750 SW Harbor Way
Portland, OR 97201

August 13, 2021

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,
Detailed Depreciation Study of Electric Utility Properties.
Docket No. UM 2152

Dear Filing Center:

Please find enclosed the Alliance of Western Energy Consumers' ("AWEC")
Reply to Portland General Electric Company's Objection to AWEC's Motion to Suspend the
Procedural Schedule 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

UM 2152

In the Matter of)
)
PORTLAND GENERAL ELECTRIC) REPLY TO PGE’S OBJECTION OF
COMPANY,) THE ALLIANCE OF WESTERN
) ENERGY CONSUMERS
)
Detailed Depreciation Study of Electric Utility)
Properties.)
_____)

I. INTRODUCTION

Pursuant to OAR § 860-001-0420(5) and its Motion for Leave to Reply, filed concurrently with this Reply in the above-referenced docket, the Alliance of Western Energy Consumers (“AWEC”) hereby files with the Oregon Public Utility Commission (“Commission”) this Reply to Portland General Electric Company (“PGE” or Company”), Staff of the Public Utility Commission of Oregon (“Staff”) and the Oregon Citizens’ Utility Board’s (“CUB”) (collectively, the “Stipulating Parties”) August 11, 2021 Objection to AWEC’s Motion to Suspend the Procedural Schedule (“Motion”).

II. REPLY

The Stipulating Parties’ Objection misrepresents the basis for AWEC’s Motion and fails to put forth persuasive arguments for why the Commission should deny AWEC’s Motion. As stated in that Motion, suspending the procedural schedule is in the public interest because it may result in an uncontested stipulation in this proceeding, and delay of the procedural schedule will not inconvenience any party, nor will it affect any other proceeding.

The Stipulating Parties’ primary misrepresentation of AWEC’s basis for filing its Motion is their argument that suspending the procedural schedule in this docket would give AWEC “an unfair advantage in settlement discussions for the general rate case.”^{1/} This appears to suggest a nefarious or covert purpose behind AWEC’s Motion, namely that it hopes to hold out on the multiparty settlement in this docket (“Stipulation”) to leverage settlement negotiations in the rate case. Nothing could be further from the truth. The fact is that there is a material difference between (1) agreeing to a stipulation that will raise rates for AWEC’s members relative to PGE’s initial filing before the Company’s overall rates are known, and (2) agreeing to that same stipulation when the impact to AWEC’s members overall (which includes rates from the Stipulation and in UE 394) is known and acceptable to AWEC. Through its Motion, AWEC hopes to achieve the latter result, which will save all parties time and expense.

But perhaps more importantly, even if AWEC had a strategy in line with what the Stipulating Parties suggest, it will obviously not work. It is nonsensical to argue that AWEC would have an advantage in the settlement negotiations in the general rate case by threatening to do the very thing the Stipulating Parties are trying to force AWEC to do now – object to the Stipulation. AWEC expects that if it tries this tactic, the Stipulating Parties will happily invite AWEC to file its objections. Clearly there is no leverage to be gained.

The Stipulating Parties’ other arguments are no more persuasive. They claim that it is inappropriate to delay this docket in order to link it to UE 394, an “unrelated proceeding”^{2/},

^{1/} Docket No. UM 2152, PGE’s Objection to AWEC’s Motion to Suspend Procedural Schedule (“PGE Objection”) at 4 (Aug. 11, 2021).

^{2/} Id. at 2.

and that “suspending the procedural schedule in this docket will have the [] effect of complicating the record in PGE’s general rate revision docket”^{3/}

Although the Stipulating Parties first argue that the current proceeding and UE 394 are “unrelated”^{4/} and “discrete”^{5/} from one another, the Stipulating Parties subsequently contradict these statements, explaining (correctly) that “depreciation rates are a critical input into the general rate case.”^{6/} As made clear by the Stipulating Parties’ Objection, the deprecation rates established in this proceeding factor into the overall revenue requirement that will be established in UE 394. It is therefore logical to align the schedules of the two proceedings. In furthering the argument that the two proceedings are unrelated, the Stipulating Parties state that UE 394 is a “rate design proceeding”^{7/} and is therefore unrelated to the current proceeding that addresses depreciation rates. This is simply incorrect. While rate design is one component of the case, UE 394 is fundamentally a proceeding to establish an overall revenue requirement for PGE, which notably includes depreciation rates.^{8/}

Additionally, according to the Stipulating Parties, suspending the procedural schedule in this docket would complicate the record in UE 394.^{9/} The Stipulating Parties provide no explanation for this statement. If the procedural schedule in this proceeding is suspended in accordance with AWEC’s Motion, there would be no effect on UE 394. The two proceedings are separate and would remain as such regardless of the procedural schedule adopted in the

^{3/} Id.
^{4/} Id. at 3.
^{5/} Id.
^{6/} Id. at 4 (internal citations omitted).
^{7/} Id. at 3
^{8/} Docket No. UE 394/PGE/100 Pope-Sims/16:3-17:6.
^{9/} PGE Objection at 4.

current proceeding. There is no basis for the Stipulating Parties' claim that suspending the procedural schedule in this proceeding would in any way complicate the record in UE 394.

The Stipulating Parties further claim that "the Commission may only render a decision in a contested case proceeding based upon evidence placed on the record in that proceeding," and that "[d]elaying resolution of this case will not enable the Commission to make an informed decision."^{10/} Maybe so, but neither will the suspension AWEC requests *hinder* the Commission from making an informed decision on the record of this proceeding.

Ultimately, the Stipulating Parties fail to present any logical argument that would negate the public interest that is served through potential full settlement of this proceeding and avoidance of unnecessary process, which is only possible with the suspension of the schedule. Nor do they articulate any harm or inconvenience that would occur from further suspension of the procedural schedule. AWEC is, frankly, confused by the Stipulating Parties' opposition to AWEC's Motion, which AWEC believes to be in all affected parties' interests, including the Stipulating Parties'.

III. CONCLUSION

WHEREFORE, AWEC respectfully requests that the Commission grant its Motion to Suspend the Procedural Schedule in the above-referenced docket.

Dated this 13th day of August, 2021.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

^{10/} Id. at 5.

/s/ Tyler C. Pepple

Tyler C. Pepple

Corinne O. Milinovich

1750 SW Harbor Way, Suite 450

Portland, Oregon 97201

(503) 241-7242 (phone)

(503) 241-8160 (facsimile)

tcp@dvclaw.com

com@dvclaw.com

Of Attorneys for the

Alliance of Western Energy Consumers