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August 4, 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' Motion to Suspend 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	)	MOTION OF THE ALLIANCE OF
COMPANY,	)	WESTERN ENERGY CONSUMERS TO
	)	SUSPEND PROCEDURAL SCHEDULE
	)	
Detailed Depreciation Study of Electric Utility	)	
Properties.	)	
_____	)	

**I. INTRODUCTION**

Pursuant to OAR § 860-001-0420, the Alliance of Western Energy Consumers (“AWEC”) hereby moves the Oregon Public Utility Commission (“Commission”) to issue an order further suspending the procedural schedule in the above referenced docket. Suspending the schedule is in the public interest because it may result in an uncontested stipulation in this docket, thus easing the administrative burden on the Commission and the parties. Additionally, because Portland General Electric Company (“PGE”) does not intend to implement the depreciation rates approved in this docket until the rate effective date of its current general rate case (May 9, 2022), a delay in the procedural schedule will not inconvenience any party. Nevertheless, AWEC understands that the other parties to this proceeding do not support this Motion.

If the Commission does not grant AWEC’s Motion, then alternatively AWEC respectfully moves for a waiver of OAR 860-001-0350(8), which requires a party objecting to a stipulation to file its written objections within 15 days of the filing of the stipulation.

## II. ARGUMENT

On July 6, 2021, Administrative Law Judge Alison Lackey issued a Ruling temporarily suspending the procedural schedule in this docket. The Ruling noted that a multiparty stipulation had been reached in principle (“Stipulation”), but that AWEC intended to oppose the Stipulation. The Ruling further requested that the parties to the docket “confer regarding procedural milestones for the remainder of this proceeding and provide a proposed schedule within seven days of the filing of the stipulation.”<sup>1/</sup>

The parties have been unable to agree on a schedule for the remainder of this case. At this time, AWEC intends to oppose the Stipulation because, among other things, it results in higher rates for AWEC’s members than was proposed in PGE’s initial filing. That said, because revised depreciation rates will be incorporated into PGE’s overall rates set in its general rate case, AWEC anticipates that there is a possibility that parties to the rate case (which will include all parties to this docket) could reach a settlement in the rate case that results in overall rates that allows AWEC to not oppose the Stipulation in this docket.

Furthermore, PGE’s application makes it clear that it does not intend to implement revised depreciation rates approved in this docket until the rate effective date of its ongoing general rate case.<sup>2/</sup> Consequently, a final order in this docket does not need to be issued until approximately April 29, 2022. This leaves plenty of time to determine whether a settlement of all or some issues in the rate case that would obviate additional process in this case can be achieved and, if not, for further process in this docket to allow AWEC to contest the Stipulation.

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<sup>1/</sup> Docket No. UM 2152, Ruling (July 6, 2021).

<sup>2/</sup> Docket No. UM 2152, PGE Cover Letter to its Application, at 1 (Jan. 15, 2021).

While AWEC is fully prepared to move forward with its objections to the Stipulation, AWEC’s recommendation to delay this process is in the public interest because there is no reason to hold this process if it may become unnecessary. Moving forward with a procedural schedule now risks wasting the Commission’s and the parties’ time and resources. While AWEC cannot assure that it will not ultimately oppose the Stipulation, AWEC has proposed a schedule below that allows for parties in the rate case to hold settlement discussions and, if unsuccessful, still allows the parties and the Commission time in this docket to litigate the Stipulation.

On August 3, 2021, Judge Lackey adopted a procedural schedule in UE 394, PGE’s current rate case. To align with that schedule, AWEC proposes the following schedule for this docket:

AWEC files objections to the Stipulation and supporting testimony	November 10, 2021
Stipulating Parties’ response testimony	November 23, 2021
Cross-examination statements and cross exhibits	December 3, 2021
Hearing	December 9, 2021
Simultaneous Opening Briefs	January 5, 2022
Simultaneous Closing Briefs	January 12, 2022

The proposed deliverables are the same as those approved by the ALJ in PGE’s 2018 general rate case, UE 335, when AWEC opposed a stipulation resolving direct access issues.<sup>3/</sup> Further, the

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<sup>3/</sup> Docket No. UE 335, Ruling of Chief ALJ Moser (Aug. 14, 2018)

schedule in PGE's current rate case includes a settlement conference on November 5, 2021. AWEC's proposed schedule for this case, above, would allow for the potential that these settlement talks will result in a settlement in the rate case that obviates the need for AWEC to object to the Stipulation in this docket. If that does not occur, then the dates AWEC has proposed still leave nearly four months between the final brief and the date PGE intends to implement revised depreciation rates. Thus, if the Commission rejects the Stipulation, there will still be sufficient time for further process in this docket. To the extent parties or the Commission have conflicts with the dates proposed above, AWEC will, of course, work to identify mutually acceptable dates.

If, however, the Commission denies this Motion, AWEC requests that the Commission adopt a schedule similar to the one proposed above, with AWEC's objections to the Stipulation and supporting testimony due 15 days from the date of the Commission's order denying the Motion. Under OAR 860-001-0350(8) an objection to a stipulation is due 15 days from the filing of that stipulation. Because, however, AWEC is moving for a further suspension of this docket and this Motion is opposed by other parties, AWEC would need to file its objections to the Stipulation before the Commission can issue a ruling on AWEC's Motion. This would effectively moot AWEC's Motion. This is because the Stipulating Parties are allowed 7 days to respond to this Motion under OAR 860-001-0420(4), which would be due on August 11<sup>th</sup>. With the ALJ's leave, AWEC may also have the opportunity to file a reply to the Stipulating Parties' response. Even without a reply, though, under OAR 860-001-0350(8), AWEC would need to file its objection to the Stipulation on August 13<sup>th</sup>, only two days after the Stipulating Parties' response, which does not leave sufficient time for a ruling from the ALJ.

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There is, therefore, good cause for the Commission to waive the requirements of OAR 860-001-0350(8) in this instance.<sup>4/</sup> AWEC should be allowed to pursue its procedural request (i.e., further suspension of this docket) without compromising its substantive right to object to the Stipulation. Further, as noted above, no party will be prejudiced by AWEC's requested waiver of OAR 860-001-0350(8) given the amount of time available before PGE implements new depreciation rates.

### III. CONCLUSION

WHEREFORE, AWEC respectfully requests that the Commission issue an order further suspending the schedule in this proceeding and adopting the schedule proposed in this Motion. If the Commission denies AWEC's Motion, then AWEC moves for an order waiving the 15-day deadline for filing objections to the Stipulation in OAR 860-001-0350(8) and imposing a deadline that is 15 days from the date of the Commission's order.

Dated this 4th day of August, 2021.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

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<sup>4/</sup> OAR 860-001-0000(2) (authorizing waiver of the Commission's procedural rules for good cause).