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October 15, 2021

Via Electronic Filing

Public Utility Commission of Oregon
Attention: Filing Center
201 High Street Southeast, Suite 100
Post Office Box 1088
Salem, Oregon 97308-1088

Re: UM 2119 – In the Matter of Alliance of Western Energy Consumers and Oregon Citizens Utility Board, Application for an Accounting Order Requiring Portland General Electric Company to Defer Expenses and Capital Costs Associated with the Boardman Power Plant

UE 394 – In the Matter of Portland General Electric Company, Request for a General Rate Revision

Dear Filing Center:

Enclosed for filing today in the above-referenced docket is Portland General Electric Company's ("PGE") Response to Opposing AWEC and CUBs Consolidation Request. This document is being filed by electronica mail with the Filing Center.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Loretta Mabinton". The signature is written in a cursive style.

Loretta Mabinton
Managing Assistant General Counsel

LM:dm
[Enclosure]

**BEFORE THE PUBLIC
UTILITY COMMISSION OF OREGON**

**UM 2119
UE 394**

In the Matter of

ALLIANCE OF WESTERN ENERGY
CONSUMERS and OREGON CITIZENS'
UTILITY BOARD,

Application for an Accounting Order
Requiring Portland General Electric
Company to Defer Expenses and Capital
Costs associated with the Boardman Power
Plant.

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request for a General Rate Revision.

**RESPONSE IN OPPOSITION TO
MOTION TO CONSOLIDATE**

I. INTRODUCTION

Pursuant to OAR 860-001-0400(3), Portland General Electric Company ("PGE") respectfully requests that the Oregon Public Utility Commission ("Commission") deny Alliance of Western Energy Consumers ("AWEC") and the Oregon Citizens' Utility Board's ("CUB") joint motion to consolidate AWEC's and CUB's Application for an Accounting Order Requiring PGE to Defer Expenses and Capital Costs associated with the Boardman Power Plant ("Boardman"), Docket No. UM 2119, with PGE's 2021 General Rate Case, Docket No. UE 394.

III. ARGUMENT

Per OAR § 860-001-0600, the Commission has the discretionary power to consolidate multiple dockets.¹ Historically, the Commission has exercised this discretion in instances when consolidation would improve judicial efficiency, provide clarity, or otherwise simplify the ultimate resolution of both dockets.² This typically occurs when there is significant overlap between the issues discussed in the two dockets.³ For example, in Docket No. UE 131, the Commission issued Order No. 02-440, granting the consolidation of Docket No. UE 123 and Docket No. UE 131, stating that the “issues in these cases appear to be identical.”⁴ In both UE 123 and UE 131, Idaho Power Company requested that the Commission a) amortize deferred excess net variable costs and b) approve a revised tariff schedule that would increase Oregon customer rates by three percent of the company’s 2000 Oregon revenues.⁵ The only difference between the two dockets was that UE 131 included additional net variable power costs that were omitted from UE 123.⁶

Here, the issues in Docket No. UM 2119 and Docket No. UE 394 are not identical, and their consolidation would further complicate and increase the time and resources (of the parties and Commission) required for both dockets. First, the two dockets are in significantly different stages: The record in Docket No. UM 2119 is sufficient for the Commission to issue a decision on whether that docket should continue. On the other hand, Docket No. UE 394 is still in its discovery phase. Second, the parties in the two dockets are not identical. Third, if approved,

¹ See OAR § 860-001-0600.

² See In the Matters of Pacificorp, dba Pacific Power, UE 219 (2021).

³ See In the Matters of Portland General Elec. Co., UM 1407, Order No. 09-398 (2009); In Re Pacificorp, UE 134, Order No. 02-343 (2002); In Re Idaho Power Company, UE 131, Order No. 02-584 (2002); In Re Portland General Elec. Co., UE 136, Order No. 02-215 (2002).

⁴ In Re Idaho Power Company, UE 131, Order No. 02-440 (2002).

⁵ In Re Idaho Power Company, UE 123 UE 131, Order No. 02-584 (2002).

⁶ *Id.*

UM 2119 would only defer PGE's capital costs and expenses associated with Boardman for the period between Boardman's closure to the effective date of UE 394. Thus, due to timing, there is effectively no issue overlap between the two dockets. Fourth, UM 2119 and UE 394 have significantly different scopes. Issues related to Boardman's closure, Docket No. UM 2119's main concern,⁷ is only one aspect of Docket No. UE 394, PGE's complex rate case. Finally, the burden of proof is assigned to different parties in the two dockets. Therefore, consolidation would force the Commission to either: a) employ different burdens of proof within the same docket or b) modify who carries the burden of proof for one of the dockets. Both options would complicate, not simplify, the matters at hand.

IV. REQUEST TO ACCEPT LATE FILING

PGE respectfully requests that the Commission accept the late filing of this motion, pursuant to the statutory authority granted by OAR 860-001-0150(4).⁸ PGE is filing this motion one day late due to the extenuating circumstances of counsel travelling. However, this delay in submission has not broadened the issues, unreasonably delayed the proceedings, nor caused any other adverse impact to the parties.

⁷ See In the Matter of Alliance of Western Energy Consumers and Oregon Citizens' Utility Board, UM 2119, at 1, filed on October 8, 2020.

⁸ See OAR § 860-001-0150(4).

VI. CONCLUSION

Consolidation of Docket Nos. UM 2119 and UE 394 would delay and complicate both matters. In the interest of judicial efficiency, PGE respectfully requests that the Commission deny AWEC's and CUB's joint motion to consolidate Docket No. UM 2119 with Docket No. UE 394.

DATED this 15th day of October, 2021.

Respectfully submitted,



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