



February 11, 2022

Via electronic filing

puc.filingcenter@puc.oregon.gov

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

Re: UE 394 Portland General Electric Company Request for 2022 General Rate Revision

Dear Filing Center:

Attached for filing in the above-mentioned docket, is the **Petition to Intervene of the Natural Resources Defense Council, (“NRDC”) and the NW Energy Coalition (“NWEC”)**.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me via email at swalker@nrdc.org.

Sincerely,

/s/ Shari Walker
Shari Walker
Western Region Administrator
NRDC

Enclosure

NATURAL RESOURCES DEFENSE COUNCIL

111 SUTTER STREET | SAN FRANCISCO, CA | 94104 | T 415.875.6100 | F 415.875.6161 | NRDC.ORG

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 394

In the Matter of)
)
PORTLAND GENERAL) PETITION TO INTERVENE OF THE
ELECTRIC Request for) NATURAL RESOURCES DEFENSE COUNCIL
General Rate Revision) AND THE NW ENERGY COALITION
)

Pursuant to ORS 756.525 and OAR 860-001-0300(2), the Natural Resources Defense Council, (“NRDC”) and the NW Energy Coalition (“NWECC”), petition the Oregon Public Utility Commission (“Commission”) to intervene in this proceeding. In support of this petition, NRDC and NWECC represent as follows:

1. The contact information for Petitioners to be included on the service list is:

Ralph Cavanagh
NRDC
111 Sutter St., 21st Fl.
San Francisco, CA 94104
650-407-7995
rcavanagh@nrdc.org

Lauren McCloy NWECC
811 1st Ave. Suite 305
Seattle, WA 98104
(253) 365-9769
lauren@nwenergy.org

2. Petitioners will be represented in this matter by the following:

Ralph Cavanagh
NRDC
111 Sutter St., 21st Fl.
San Francisco, CA 94104
650-407-7995 rcavanagh@nrdc.org

Angus Duncan
PNW Consultant
Natural Resources Defense Council
503-248-7695 angusduncan99@gmail.com

3. NRDC is a nonprofit environmental advocacy organization with more than 12,000 Oregon members and a 50-year history of clean energy advocacy on their behalf before this Commission. NWECC is a nonprofit clean energy advocacy organization with 32 Oregon based organizational members who represent thousands of individuals in Oregon.

4. Other parties in the proceeding unexpectedly filed a Partial Stipulation on January 13, 2022 that includes a proposal for fundamental change in PGE’s institutional incentive structure, reintroducing a long-discredited commodity-based business model that the Commission eliminated in 2009 after extensive testimony and deliberation. NRDC and NWEC are long-time supporters of the “revenue decoupling” mechanism that the Partial Stipulation seeks to eliminate. We believe that revenue decoupling remains vital to Oregon’s accelerating clean energy transition.
5. Petitioners will oppose the Partial Stipulation’s provision recommending the abolition of revenue decoupling for PGE, for the reasons set out in the NRDC/NWEC Objection filed with the Commission on February 9, 2022, and attached to this petition.
6. Petitioners’ counsel, Ralph Cavanagh, is among the nation’s leading experts on revenue decoupling. He served as an expert witness in the 2008-2009 proceeding in which the Commission adopted PGE’s first revenue decoupling mechanism.
7. Petitioners requests the addresses above be added to the service list.

RESPECTFULLY SUBMITTED

February 11, 2022

s/ Ralph Cavanagh
Ralph Cavanagh
NRDC
111 Sutter St., 21st Fl.
San Francisco, CA 94104
650-407-7995
rcavanagh@nrdc.org

ATTACHMENT 1



February 9, 2022

Chair Megan Decker
Commissioner Letha Tawney
Commissioner Mark Thompson
Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301-3398

Re: Objection to Proposed Termination of PGE’s Revenue Decoupling Mechanism in the Partial Stipulation Filed in UE 394 [Portland General Electric Company’s Request for 2022 General Rate Revision]

Commissioners:

In two lines buried deep in a Partial Stipulation filed in this proceeding on January 13, 2022,¹ signers propose a fundamental change in PGE’s institutional incentive structure, reintroducing a long-discredited commodity-based business model that the Commission eliminated in 2009 after extensive testimony and deliberation. Yet the record in this proceeding contains no evidence in support of this dramatic retrograde shift in regulatory policy.

The Natural Resources Defense Council and the NW Energy Coalition submit this ex parte letter in opposition to those two lines of the Partial Stipulation, which would eliminate “revenue decoupling” for PGE.² We are not parties to this proceeding, although we would certainly have sought intervention earlier if there had been any reason to anticipate such a recommendation. But PGE’s direct testimony “propose[d] to continue [revenue decoupling,] which aligns customer and PGE interests in pursuing energy efficiency.”³ To our knowledge, no party has filed testimony justifying or even endorsing abolition. We have no objection to the rest of the Partial Stipulation. The remainder of this submission reviews the importance of revenue decoupling to Oregon’s ongoing clean energy transition and proposes a course of action for the Commission if it is not prepared to abolish revenue decoupling on this record.

¹ <https://edocs.puc.state.or.us/efdocs/HAR/ue394har142447.pdf>. See p. 4, section 7a.

² NRDC is a nonprofit environmental advocacy organization with more than 12,000 Oregon members and a 50-year history of clean energy advocacy on their behalf before this Commission. NWEC is a nonprofit clean energy advocacy organization with 32 Oregon based organizational members who represent thousands of individuals in Oregon. NWEC has intervened in numerous dockets before this Commission.

³ See UE 934, PGE Direct Testimony of MacFarlane, Tang, p. 40: 15-16.

I. PGE'S thirteen-year-old revenue decoupling mechanism was never needed more.

The principal point of revenue decoupling is to break the linkage between utilities' commodity sales and their financial health, and in the process to eliminate an otherwise inevitable conflict of interest between utility shareholders and customers over many forms of clean energy progress. Revenue decoupling eliminates major obstacles to utilities' full engagement in a clean energy transition (including but not limited to energy efficiency gains).⁴ As this Commission found in the 2009 order establishing revenue decoupling for PGE, in words that ring just as true today:⁵

The parties opposing PGE's [revenue decoupling] proposal raise three basic arguments which we address in turn. First, while the parties do not disagree that relying on volumetric charges to recover fixed costs creates a disincentive to promote energy efficiency, they contend that decoupling is unnecessary because, with the ETO running energy efficiency programs in PGE's service territory, the Company has limited influence over customers' energy efficiency decisions. We find this position unpersuasive, because PGE does have the ability to influence individual customers through direct contacts and referrals to the ETO. PGE is also able to affect usage in other ways, including how aggressively it pursues distributed generation and on-site solar installations; whether it supports improvements to building codes; or whether it provides timely, useful information to customers on energy efficiency programs. We expect energy efficiency and on-site power generation will have an increasing role in meeting energy needs, underscoring the need for appropriate incentives for PGE.

Staff also argues that [revenue decoupling] would create a disincentive for customers to improve their energy efficiency because the SNA would increase rates and reduce the bill savings. We believe that the opposite is true: an individual customer's action to reduce usage will have no perceptible effect on the decoupling adjustment, and the prospect of a higher rate because of actions by others may actually provide more incentive for an individual customer to become more energy efficient.

What has changed that would alter these conclusions? Certainly nothing to which the record of this proceeding speaks. Oregon's strengthened clean energy goals will require extensive electrification, but it would be wrong to assume that somehow this removes the need to shift utilities away from a business model linked to commodity sales, or that the value of end-use efficiency is somehow diminished as electrification increases.⁶ For example, a recent assessment of untapped energy efficiency potential in electric vehicles demonstrates the cost-effective potential to more than triple fleet average miles/kWh.⁷ With revenue decoupling eliminated,

⁴ For a recent analysis of the importance of revenue decoupling to utilities' engagement with the nation's accelerating clean energy transition, see R. Cavanagh, *Energy Efficiency and Decarbonization: Priorities for Regulated Utilities*, The Electricity Journal (March 2021).

⁵ <https://apps.puc.state.or.us/orders/2009ords/09-020.pdf>, pp. 27-28 (January 2009).

⁶ For an extensive NRDC rebuttal to such contentions, see <https://www.nrdc.org/experts/max-baumhefner/are-efficiency-and-electrification-policies-conflict>.

⁷ See AB Lovins, *Reframing Automotive Fuel Efficiency*, SAE Mobilus (April 16, 2020) [<https://saemobilus.sae.org/content/13-01-01-0004>].

PGE would lose money with every efficiency upgrade in its customers' electric vehicles, or any other efficiency improvements in its service territory's buildings or industry. By contrast, PGE would profit automatically from reductions in efficiency or slowdowns in installation of cost-effective distributed generation. How could any of that possibly serve the public interest? Shouldn't the Commission at least inquire before acquiescing?

- II. The Commission should not approve the Partial Stipulation unless the parties substitute a renewal of PGE's decoupling mechanism for its abolition.

If the Commission is understandably reluctant to eliminate revenue decoupling on this record, we ask that it invite the parties to strike section 7a of the Partial Stipulation and substitute a recommendation to retain PGE's current revenue decoupling mechanism (which will expire without reauthorization).

Yours sincerely,

/s/ Ralph Cavanagh

/s/ Nancy Hirsh

/s/ Angus Duncan

/s/ Lauren McCloy

For the Natural Resources Defense Council

For the NW Energy Coalition

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 394

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	CERTIFICATE OF SERVICE
COMPANY)	
)	
Request for 2022 General Rate Revision)	

I hereby certify that I have this day served a copy of the **Petition to Intervene of the Natural Resources Defense Council, (“NRDC”) and the NW Energy Coalition (“NVEC”)**, in the above-mentioned proceeding by delivering a copy via email.

Executed on Friday, February 11, 2022 at San Francisco, California.



Shari Walker
Natural Resources Defense Council
111 Sutter St., 20th Floor
San Francisco, CA 94104
415-875-6179
swalker@nrdc.org

**Service List for UE 394
(as of 02/11/22)**

WILLIAM STEELE (C)
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 PEPPLE (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

NIPPC

CARL FINK
BLUE PLANET ENERGY LAW LLC

628 SW CHESTNUT ST, STE 200
PORTLAND OR 97219
cmfink@blueplanetlaw.com

SPENCER GRAY
NIPPC

sgray@nippc.org

OREGON CITIZENS UTILITY BOARD

OREGON CITIZENS' UTILITY BOARD

610 SW BROADWAY, STE 400
PORTLAND OR 97205
dockets@oregoncub.org

**Service List for UE 394
(as of 02/11/22)**

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

LORETTA I MABINTON (C) (HC)
PORTLAND GENERAL ELECTRIC

121 SW SALMON ST - 1WTC1711
PORTLAND OR 97204
loretta.mabinton@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

MADLILNE MALMQUIST (C)
WALMART

madelinemalmquist@parsonsbehle.com