

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UE 416

In the Matter of)	
)	
)	
PORTLAND GENERAL ELECTRIC)	RESPONSE OF SMALL BUSINESS
COMPANY)	UTILITY ADVOCATES TO ALJ
)	OCTOBER 24, 2023 RULING
Request for a General Rate Revision; and)	
2024 Annual Power Cost Update)	

1. Introduction

Comes now, respectfully and pursuant to the October 24, 2023 Administrative Law Judge (“ALJ”) Ruling: Disposition: Stipulation, Testimony and Exhibits Admitted (“ALJ Ruling”), Small Business Utility Advocates (“SBUA”) submits this Response seeking first, clarification with regard to including written public comment in the record, and, second, additional time to submit testimony due to additional process taking place in the docket, specifically regarding the Fourth and the Fifth Partial Stipulations. SBUA submits the attached Declaration of Danny Kermode to this Response. Exhibit 1.

2. Background

In the experience of SBUA in Oregon this rate case is large and complex. It consists of a combination of two dockets, general rate case and power costs, usually set out parallel yet here are combined, and negotiations have resulted in six proposed partial stipulations¹, two of which are combined in one document, and one of which includes a significant objection.² The costs are significant as Oregon implements its energy policy and the Legislature has tasked the

¹ ALJ Ruling, pp 3 and 4.

² UE 416 AWEC’s Errata to Objection to Fifth Partial Stipulation, filed 10/23/23.

Commission with directives related to climate change and clean energy³ much of the costs of decarbonization of the energy supply that powers Oregon’s households and economy. The parties have resolved many issues throughout the rate case, yet there are important aspects of the proceedings that should also be included in the record.

Regarding public comment:

Many public comments both written and oral were received and SBUA sought to ensure that these public comments were included per the Commission’s Internal Operating Guidelines adopted in Order No. 20-065 in Docket No. UM 2055. In order to provide more transparency about the public comments in contested cases, public comments received are now made part of the Staff’s testimony. Order No. 20-065.⁴

Regarding further process requiring additions to the record:

Two matters are requiring further process in the docket. One, already known to the parties, is the objection from AWEC to the Fifth Partial Stipulation. Another, less known is a correction by SBUA to its position in the Fourth Partial Stipulation. Each of these matters requiring further process may result in additions to the record of this docket.

³ Climate and Clean Energy Agenda, <https://www.oregon.gov/puc/Pages/Legislative-Activities.aspx>.

⁴ The availability of the transcript of the UE 416 May 3, 2023 public comment hearing was published on September 28, 2023, which is in stark contrast to the publication of the transcript of public comments hearings in UE 399 PacifiCorp dba Pacific Power Request for General Rate Revision, published on June 8, 2022 within a month of the public comment hearing scheduled for May 24, 2022, and UG 435 NW Natural Request for General Rate Revision public comment hearing transcript published on March 25, 2022, just a few weeks after the March 10, 2022 public comment hearing date.

3. Proposed additions to the record:

a. SBUA requests clarification of the ALJ Ruling regarding the inclusion of public comment in the record.

SBUA requests either clarification of where specifically in the Record the written public comment may be found, or, alternatively, respectfully requests that the Staff testimony exhibits including the written public comment be included in the Record. The ALJ states that the public comment is included in the record where it is combined with the Public Comment Hearing transcript. ALJ Ruling p1. Also the transcriptionist information posted on 9/28/23 indicates that the transcript availability but does not mention written public comment. Without the public comment visible in the record it is impossible to review the public comment. The Guidelines as approved by Order 20-065 say: “The summary will be made part of Staffs written testimony, and the comments themselves will be included as exhibits to that testimony.” Order 20-065 Appendix A, p 18. Where the public comment is not otherwise available SBUA requests the record explicitly include those public comments referenced in UE 416 Staff Response to SBUA Objection and Motion to Admit Staff Exhibit 413.

b. Including the Declaration of Danny Kermode in the record and leaving record open for further process on the Fourth Partial Stipulation and the Fifth Stipulation.

As the ALJ notes in its Ruling that SBUA did not submit a Declaration of Danny Kermode.⁵ SBUA requests to include in the record such Declaration as Exhibit A. Recently, SBUA acknowledges having re-reviewed and is in process of seeking to correct the Fourth Partial Stipulation with regard to SBUA specific interest through proper process and the Kermode

⁵ ALJ Ruling footnotes 1, 2, 3.

portion of the corresponding Joint Testimony. These matters are in process and SBUA requests that for this part of the record to remain open for resolution of that matter.

Further the Fifth Partial Stipulation includes potentially significant process yet to be determined as parties work with the objection by AWEC to that stipulation.

4. CONCLUSION

SBUA submits the above and the attached to the record and requests permission to supplement as to the points explicitly identified in this Response to ALJ Ruling.

RESPECTFULLY SUBMITTED October 26, 2023.



s/Diane Henkels

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UE 416

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	DECLARATION OF
COMPANY)	DANNY P. KERMODE
)	
Request for a General Rate Revision)	
)	
_____)	

I, Danny Kermode, state the following, under penalty of perjury in the State of Oregon:

1. I am a licensed certified public accountant, retired, and consultant for Small Business Utility Advocates in Oregon (“SBUA”).
2. I am the same Danny P. Kermode who submitted Public Comment May 3, 2023 in this matter on behalf of SBUA attached herein as Exhibit A. On behalf of SBUA I co-sponsored Joint Testimony in support of the Fourth, Fifth and Sixth Partial Stipulations submitted in the above-captioned docket, pre-filed as Stipulating Parties 300, 400 Exhibit Nos. ~~300~~, 400, and 500].
3. I withdraw my testimony in support of the Fourth Partial Stipulation paragraph insofar as it is contrary to my public comment and does not result in fair and reasonable rates for Schedule 32 rate payers.
4. My testimony as it applies to Stipulations Five and Six remains unchanged.
5. With regard to my qualifications, the pre-filed Joint Testimony of Stipulating Parties Exhibit No. 400 is my testimony and is true and correct.

6. To the best of my knowledge, the pre-filed testimony Joint Testimony at Stipulating Parties Exhibit Nos. 500 is true and correct.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

RESPECTFULLY SUBMITTED October 26, 2023.

s/ Danny Kermode

Danny P. Kermode CPA-Retired