

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 **UE 427**

4 In the Matter of

5 PORTLAND GENERAL ELECTRIC
6 COMPANY,

7 Renewable Resource Automatic Adjustment
8 Clause (Schedule 122) (Clearwater Wind
Project).

STAFF NOTICE OF WITHDRAWAL
FROM STIPULATION

9 The above-captioned case concerns PGE’s 2023 filing to include the revenue requirement
10 associated with the Clearwater II and Clearwater East phases of the Clearwater Wind Project
11 (Clearwater) into rates through its Renewable Adjustment Clause (RAC). On February 15, 2024,
12 Staff, Portland General Electric Company (PGE) and the Oregon Citizens’ Utility Board (CUB)
13 executed a stipulation in which they agreed to recommend certain ratemaking treatment for the
14 Clearwater Wind Project (“Stipulation”), and submitted the Stipulation and supporting testimony
15 on March 5, 2024, for Commission review. On April 4, 2024, the Commission issued an order
16 rejecting the Stipulation stating it is “not convinced the terms of the stipulation go far enough to
17 address the fairness concerns raised in the record[,]” and that it wishes to see reply testimony
18 from PGE before reaching a resolution in the docket.¹

19 Under Paragraph 9 of the Stipulation executed by PGE, Staff, and CUB, the stipulating
20 parties may each elect one of the following options upon the Commission’s rejection of the
21 Stipulation:

22 If the Commission rejects all or any material part of this Stipulation or
23 adds any material condition to any final order that is not consistent with this
24 Stipulation, each Stipulating Party reserves its right: (i) to withdraw from the
25 Stipulation, upon written notice to the Commission and the other Stipulating
Parties within five (5) business days of service of the final order that rejects
this Stipulation, in whole or material part, or adds such material condition; (ii)
pursuant to OAR 860-001-0350(9), to present evidence and argument on the

26 ¹ Order No. 24-091, p. 5.

1 record in support of the Stipulation, including the right to cross-examine
2 witnesses, introduce evidence as deemed appropriate to respond fully to issues
3 presented, and raise issues that are incorporated in the settlements embodied
4 in this Stipulation; and (iii) pursuant to ORS 756.561 and OAR 860-001-0720,
5 to seek rehearing or reconsideration, or pursuant to ORS 756.610 to appeal the
Commission order. Nothing in this paragraph provides any Party the right to
withdraw from this Stipulation as a result of the Commission’s resolution of
issues that this Stipulation does not resolve.²

6 **Pursuant to Paragraph 9 of the Stipulation, Staff gives written notice it is withdrawing**
7 **from the Stipulation rejected by the Commission.**

8 In its April 4, 2024 order rejecting the Stipulation, the Commission stated it would
9 require PGE to file additional testimony raised in the proceeding, but also, that “Parties may
10 continue to work together in developing a negotiated resolution that is responsive to the concerns
11 in this order.”³ Although Staff is withdrawing from the rejected stipulation, Staff intends to meet
12 with PGE and CUB after PGE files Reply Testimony to continue negotiations to reach a
13 resolution that is responsive to the concerns expressed in the Commission’s previous order.

14 DATED this 11th day of April 2024.

15 Respectfully submitted,
16 ELLEN F. ROSENBLUM
17 Attorney General

18 */s/ Stephanie Andrus*

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Stephanie Andrus, OSB No. 925123
20 Sr. Assistant Attorney General
21 Of Attorneys for Staff of the Public Utility
22 Commission of Oregon

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25 _____
26 ² UE 427 Stipulation (February 15, 2024).

³ Order No. 24-091, p. 6.