

August 25, 2005

VIA E-FILING & FIRST CLASS MAIL

Oregon Public Utility Commission
Attn: Filing Center
550 Capitol St. NE, Suite 215
P. O. Box 2148
Salem, Oregon 97308-2148

Re: *UE 88/DR 10/UM 989*

Attention Filing Center:

Enclosed are five copies of the Portland General Electric Company's Comment on URP's Emergency Motion for Clarification and Relief From Orders of July 25, 2005 and August 23, 2005, which were inadvertently omitted from Mr. White's letter of yesterday.

Very truly yours,



Leslie D. Hurd
Legal Assistant to David F. White

/ldh
Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

DR 10, UE 88, UM 989

In the Matters of

The Application of Portland General Electric
Company for an Investigation into least Cost
Plan Plant Retirement, (DR 10)

Revised Tariffs Schedules for Electric Service
in Oregon Filed by Portland General Electric
Company, (UE 88)

Portland General Electric Company's
Application for an Accounting Order and for
Order Approving Tariff Sheets
Implementing Rate Reduction. (UM 989)

**PORTLAND GENERAL ELECTRIC
COMPANY'S COMMENT ON URP'S
EMERGENCY MOTION FOR
CLARIFICATION AND RELIEF
FROM ORDERS OF JULY 25, 2005
AND AUGUST 23, 2005**

Portland General Electric Company ("PGE") submits the following comment on the Utility Reform Project's Emergency Motion for Clarification and Relief from Orders of July 25 and August 23, 2005. PGE takes no position on whether Mr. Meek should be disqualified from serving in a representative capacity and barred from conducting cross examination of witnesses.

We wish to comment on the following URP query: "Is it the intent of the hearings officer to disqualify Meek from appearing further as attorney for URP in this proceeding if URP withdraws its sponsorship of Meek's testimony, and the Meek testimony remains on behalf of MGK?" URP Emergency Motion at 2.

The predicate of URP's question—that the party sponsoring Mr. Meek's testimony makes a difference to the Oregon witness-advocate bar (Oregon Rules of Professional Conduct 3.7)—is mistaken. It is irrelevant who sponsors Mr. Meek's testimony. The point is that Mr. Meek's testimony is being submitted in this proceeding. That makes Mr. Meek a witness. The witness-advocate rule applies when a lawyer acts as both witness

and advocate in the same proceeding, irrespective of which party sponsors the lawyer's testimony.

PGE takes no position on whether (1) URP satisfies the "substantial hardship" exception to the witness-advocate rule; or (2) how the Administrative Law Judge or Commission should exercise its discretion under OAR 860-012-0005(2) in deciding whether Mr. Meek should be permitted to serve in a representative capacity in this proceeding.

DATED this 24th day of August, 2005.

PORTLAND GENERAL ELECTRIC
COMPANY

TONKON TORP LLP

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Of Attorneys for Portland General Electric
Company

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CERTIFICATE OF SERVICE

I hereby certify that on this day I served the foregoing **PORTLAND GENERAL ELECTRIC COMPANY'S COMMENT ON URP'S EMERGENCY MOTION FOR CLARIFICATION AND RELIEF FROM ORDERS OF JULY 25, 2005 AND AUGUST 23, 2005** by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each party listed below and depositing in the U.S. mail at Portland, Oregon.

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DATED this 24th day of August, 2005.

TONKON TORP LLP

By 

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Attorneys for Portland General Electric Company

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