



Portland General Electric Company
Legal Department
121 SW Salmon Street • Portland, Oregon 97204
(503) 464-8926 • Facsimile (503) 464-2200

Douglas C. Tingey
Assistant General Counsel

September 26, 2011

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention: Filing Center
550 Capitol Street NE, #215
PO Box 2148
Salem OR 97308-2148

Re: UE 228

Attention Filing Center:

Enclosed for filing in the captioned docket are an original and two copies of:

- **REPLY OF PORTLAND GENERAL ELECTRIC COMPANY IN SUPPORT OF MOTION TO CORRECT THE HEARING TRANSCRIPT DATED AUGUST 30, 2011**

This is being filed by electronic mail with the Filing Center. An extra copy of the cover letter is enclosed. Please date stamp the extra copy and return to me in the envelope provided.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. C. Tingey", written in a cursive style.

DOUGLAS C. TINGEY
Assistant General Counsel

DCT:smc
Enclosures
cc: UE 228 Service List

**BEFORE THE PUBLIC UTILITY
COMMISSION OF OREGON**

UE 228

In the Matter of
PORTLAND GENERAL ELECTRIC
COMPANY
2012 Annual power Cost Update Tariff
(Schedule 125)

**PORTLAND GENERAL ELECTRIC
COMPANY'S REPLY IN SUPPORT
OF MOTION TO CORRECT
HEARING TRANSCRIPT DATED
AUGUST 30, 2011**

Portland General Electric Company (PGE) submits this reply in support of its Motion to Correct Hearing Transcript.

The Hearing Transcript in this docket contains a number of errors. PGE only listed some of the errors in its motion. The Citizens' Utility Board (CUB) does not dispute that there are some errors, yet opposes any corrections to the transcript, which would leave the record admittedly inaccurate.

CUB argues that the proposed corrections are more than scrivener's errors. That is not true. As PGE stated in its motion PGE consulted with each of the witnesses whose testimony was inaccurately transcribed and "determined that the proposed correction accurately reflects their testimony at the hearing."¹ CUB's arguments to the contrary are incorrect.

CUB also claims that correcting errors in a transcript "would set a dangerous precedent." To the contrary, not correcting obvious errors in a transcript would set a dangerous precedent. Decisions should be made on an accurate record, not based on transcription errors. Because court reporting is not always exact, the rules provide the means by which transcript errors can be corrected. For example, every deponent has the right to correct a deposition transcript. ORCP 39(F)(2). The Oregon Rules of Appellate

¹ Although PGE checked with each witness as to corrections to their testimony, PGE's motion also seeks to correct a question posed by Judge Pines at page 150, line 3 (replacing "outlines" with "outliers"). PGE did not contact Judge Pines concerning this proposed correction, but notes that Judge Pines will likely recall her own words.

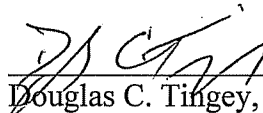
Procedure (ORAP) also allow for corrections to a trial court transcript when a case goes on appeal. ORAP 3.40. That rule even provides that appeals are held in abeyance while the trial court rules on a motion to correct the transcript. It is timely to correct the transcript now, and would serve no purpose to wait until the case is on appeal to correct the transcript.

CUB strongly opposes any changes since there is no recording of the hearing to compare the transcript to. PGE is concerned about the lack of a recording as well. It has been PGE's experience that court reporters make recordings to help them verify their transcripts. That was not done in this case. That was not the fault of any party, and no party should be forced to suffer from an incorrect record in this docket because of it.

PGE's Motion to Correct Transcript should be granted.

DATED this 26th day of September, 2011.

Respectfully submitted,



Douglas C. Tingey, OSB No. 044366
Assistant General Counsel
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, OR 97204
503-464-8926 (telephone)
503-464-2200 (fax)
doug.tingey@pgn.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **PGE'S REPLY IN SUPPORT OF MOTION TO CORRECT HEARING TRANSCRIPT DATED AUGUST 30, 2011** to be served by electronic mail to those parties whose email addresses appear on the attached service list for OPUC Docket No. UE 228.

Dated at Portland, Oregon, this 26th day of September, 2011.



DOUGLAS C. TINGEY, OSB #044366
Assistant General Counsel
Portland General Electric Company
121 SW Salmon St., 1WTC1301
Portland, OR 97204
(503) 464-8926 (Telephone)
(503) 464-2200 (Fax)
Doug.tingey@pgn.com

**SERVICE LIST
DOCKET UE 228**

Gordon Feighner (C) CITIZENS' UTILITY BOARD OF OREGON gordon@oregoncub.org	Robert Jenks (C) CITIZENS' UTILITY BOARD OF OREGON bob@oregoncub.org
G. Catriona McCracken (C) CITIZENS' UTILITY BOARD OF OREGON catriona@oregoncub.org	Kevin Higgins, Principle (C) ENERGY STRATEGIES, LLC khiggins@energystrat.com
Irion Sanger (C) DAVISON VAN CLEVE, PC mail@dvclaw.com	S. Bradley Van Cleve (C) DAVISON VAN CLEVE, PC mail@dvclaw.com
Greg Bass NOBLE AMERICAS ENERGY SOLUTIONS gbass@noblesolutions.com	Ed Durrenberger (C) OREGON PUBLIC UTILITY COMMISSION ed.durrenberger@state.or.us
Stephanie S. Andrus, Assistant AG (C) DEPARTMENT OF JUSTICE Stephanie.andrus@state.or.us	Donald Schoenbeck (C) REGULATORY & COGENERATION SERVICES, INC. dws@r-c-s-inc.com
Gregory M. Adams, Attorney (C) RICHARDSON & O'LEARY greg@richardsonandoleary.com	Kevin Higgins ENERGY STRATEGIES, LLC khiggins@energystrat.com
Douglas Tingey PORTLAND GENERAL ELECTRIC COMPANY doug.tingey@pgn.com	Randall Dahlgren PORTLAND GENERAL ELECTRIC COMPANY pge.opuc.filings@pgn.com