1	BEFORE THE PUBLIC UTILITY COMMISSION			
2	OF OREGON			
3	UE 394			
4	In the Matter of	RESPONSE OF STIPULATING PARTIES TO		
5 6	PORTLAND GENERAL ELECTRIC COMPANY,	NATURAL RESOURCES DEFENSE COUNCIL AND NORTHWEST ENERGY COALITION PETITION TO INTERVENE		
7	Request for a General Rate Revision.	[EXPEDITED CONSIDERATION		
8		REQUESTED]		
9	Pursuant to Chief ALJ Moser's ruling on February 11, 2022, Portland General Electric			
10	Company, Staff of the Public Utility Commission of Oregon, the Oregon Citizens' Utility Board,			
11	the Alliance of Western Energy Consumers, Fred Meyer Stores and Quality Food Centers,			
12	Division of the Kroger Co., Walmart, Inc., and Small Business Utility Advocates (collectively,			
13	the "Stipulating Parties") submit this response to the Natural Resource Defense Council (NRDC)			
14	and the Northwest Energy Coalition (NWEC) Petition to Intervene in the above-captioned			
15	proceeding on behalf of the parties that executed the Third Partial Stipulation (Stipulation)			
16	submitted in the above-captioned docket. No other party to the proceeding opposed the			
17	Stipulation. The Stipulating Parties do not object to the Petition to Intervene but ask that			
18	NRDC's and NWEC's participation be subject to certain conditions to ensure this proceeding is			
19	not unduly delayed.			
20	A. Pertinent Filings.			
21	The Third Partial Stipulation in Docket	No. UE 394 was filed on January 18, 2022, along		
22	with Supporting Testimony by the Stipulating	Parties and a Motion to Admit filed by PGE. The		
23	Third Partial Stipulation included a provision relating to PGE's Decoupling Mechanism. On			
24	February 9, 2022, NRDC and NWEC submitte	d to the Filing Center a letter for filing in UE 394		
25	setting forth its "Objection to Proposed Termin	nation of PGE's Revenue Decoupling Mechanism		
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1	in the Partial Stipulation Filed in UE 394," and copied all parties on the service list. On February $\frac{1}{2}$
2	11, 2022, NRDC and NWEC filed a Petition for Intervention in Docket No. UE 394. On
3	February 1, 2022, ALJ Moser issued a ruling stating that the February 9, 2022 submission would
4	be treated as a public comment and included in the administrative file, but would not be part of
5	the evidentiary record in this case. The ALJ's ruling established 3 p.m. on February 16, 2022 as
6	the deadline to respond to the NRDC/NWEC Petition to Intervene.
7	B. Requirements for intervention.
8	Intervention is governed by OAR 860-001-0300. A person may ask to intervene in a
9	contested case proceeding pursuant to OAR 860-001-0300(2) – (4). OAR 860-001-0300(6)
10	provides that,
11	[i]f the Commission or ALJ finds the petitioner has sufficient interest in the
12	proceedings and the petitioner's appearance and participation will not unreasonably broaden the issues, burden the record, or delay the
13	Commission of The may impose appropriate conditions upon any
14	intervenor's participation in the proceedings, such as restricted access to confidential information. The ALJ may rule on a petition to intervene at a
15	prehearing conference.
16	Although the NRDC and NWEC petition to intervene is late in the proceeding, for
17	expediency, the Stipulating Parties will not object to their intervention and will support the
18	Commission admitting NRDC and NWEC's letter attached to their petition into the evidentiary
19	record. However, the Stipulating Parties are concerned that the intervention could delay the
20	proceeding. Accordingly, the Stipulating Parties ask that the ALJ ensure the proceeding is not
21	delayed by imposing conditions to limit NRDC's and NWEC's participation to (1) the objection
22	they already filed, (2) a reply to any testimony or exhibits filed by the stipulating parties in
23	response to the objection, and (3) opportunity to participate in any hearing, argument, or briefing
24	related to the objection.
25	
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**INTERVENE** 

1	The Stipulating Parties believe it would unreasonably delay this proceeding if the ALJ
2	were to allow NRDC and NWEC to intervene and then, to establish a due date for NRDC and
3	NWEC to file a new objection to the Third Stipulation along with the necessary motion to allow
4	the objection out of time (i.e., beyond the 15-day period allowed for objecting to a stipulation
5	under OAR 860-001-0350(8)). Instead, the Stipulating Parties ask that the ALJ grant the
6	request to intervene, subject to the condition that NRDC's and NWEC's participation is limited
7	to their previously filed objection <sup>2</sup> and any process established by the ALJ to consider it (i.e.,
8	opportunity to file a responsive pleading, hearing, or briefing). The Stipulating Parties note that
9	this condition will likely ensure that NRDC's and NWEC's objection is addressed and submitted
10	to the Commission by the beginning of April 2022.
11	To further expedite the submission of the issues raised by NRDC and NWEC, the
12	Stipulating Parties ask that the ALJ issue a ruling requiring the Stipulating Parties file any
13	response to the objection no later than March 2, 2022 and NRDC and NWEC to file any reply no
14	later than seven calendar days after the Stipulating Parties file their response.
15	The Stipulating Parties have contacted counsel for NRDC and NWEC and these parties
16	do not object to the Stipulating Parties' proposal regarding the extent of their participation in this
17	docket.
18	
19	<sup>1</sup> OAR 860-001-0350(8) provides:
20	Within 15 days of the filing of a stipulation, a party may file written objections to the stipulation or request a hearing. Upon request or its own
21	motion, the Commission or ALJ may set another time period for objections and request for hearing. Objections may be on the merits or based upon
22	failure of Staff or a party to comply with this rule. The Commission or ALJ may hold a hearing to receive testimony and evidence regarding the
23	stipulation. The Commission or ALJ may require evidence of any facts stipulated. The parties must be afforded notice and an opportunity to submit
24	proof if such evidence is requested.
25	<sup>2</sup> The Stipulating Parties note that it will be necessary for the ALJ to admit the objection
26	into the record if their proposal is granted.

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1	The Stipulating Parties ask that the ALJ address the Stipulating Parties' response to	
2	Petition for Intervene and request related to the remaining procedural schedule on an expedited	
3	basis. All parties to UE 394 have been contacted regarding the proposals in the Stipulating	
4	Parties' response, including Calpine Solutions, which was not a party to the Third Partial	
5	Stipulation, and no party objects to the Stipulating Parties' proposals.	
6		
7	DATED this 16 <sup>th</sup> day of February, 2022.	
8		
9	Respectfully submitted,	
10	/s/ Loretta Mabiton PORTLAND GENERAL ELECTRIC	
11	COMPANY	
12		
13	/s/ Stephanie S. Andrus STAFF OF THE PUBLIC UTILITY	
14	COMMISSION OF OREGON	
15		
16	/s/ Michael P. Goetz OREGON CITIZENS' UTILITY BOARD	
17		
18	<u>/s/ Tyler C. Pebble</u> ALLIANCE OF WESTERN ENERGY	
19	CONSUMERS	
20		
21	/s/ Kurt Boehm THE KROGER CO.	
22		
23	/s/Vickie Baldwin	
24	WALMART INC.	
25	/s/ Diane Henkels	
26	Small Business Utility Advocate	
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