

1 in the Partial Stipulation Filed in UE 394,” and copied all parties on the service list. On February
2 11, 2022, NRDC and NWECC 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/NWECC 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
13 unreasonably broaden the issues, burden the record, or delay the
14 proceedings, then the Commission or ALJ must grant the petition. The
15 Commission or ALJ may impose appropriate conditions upon any
16 intervenor’s participation in the proceedings, such as restricted access to
17 confidential information. The ALJ may rule on a petition to intervene at a
18 prehearing conference.

16 Although the NRDC and NWECC 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 NWECC’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 NWECC’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.

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1 The Stipulating Parties believe it would unreasonably delay this proceeding if the ALJ
2 were to allow NRDC and NWEAC to intervene and then, to establish a due date for NRDC and
3 NWEAC 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)).¹ Instead, the Stipulating Parties ask that the ALJ grant the
6 request to intervene, subject to the condition that NRDC's and NWEAC's participation is limited
7 to their previously filed objection² 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 NWEAC'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 NWEAC, 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 NWEAC 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 NWEAC and these parties
16 do not object to the Stipulating Parties' proposal regarding the extent of their participation in this
17 docket.

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19 ¹OAR 860-001-0350(8) provides:

20 Within 15 days of the filing of a stipulation, a party may file written
21 objections to the stipulation or request a hearing. Upon request or its own
22 motion, the Commission or ALJ may set another time period for objections
23 and request for hearing. Objections may be on the merits or based upon
24 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
stipulation. The Commission or ALJ may require evidence of any facts
stipulated. The parties must be afforded notice and an opportunity to submit
proof if such evidence is requested.

25 ² 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.

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.

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7 DATED this 16th day of February, 2022.

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Respectfully submitted,

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/s/ Loretta Mabiton
PORTLAND GENERAL ELECTRIC
COMPANY

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/s/ Stephanie S. Andrus
STAFF OF THE PUBLIC UTILITY
COMMISSION OF OREGON

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/s/ Michael P. Goetz
OREGON CITIZENS’ UTILITY BOARD

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/s/ Tyler C. Pebble
ALLIANCE OF WESTERN ENERGY
CONSUMERS

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/s/ Kurt Boehm
THE KROGER CO.

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/s/Vickie Baldwin
WALMART INC.

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/s/ Diane Henkels
Small Business Utility Advocate

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