

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

3 UM 1355

4 In the Matter of

5 THE PUBLIC UTILITY COMMISSION OF
6 OREGON Investigation into Forecasting Forced
7 Outage Rates for Electric Generating Units

STAFF RESPONSE TO PGE MOTION TO
STRIKE PORTIONS OF STAFF EXHIBIT 400

7 INTRODUCTION

8 On August 18, 2010, Portland General Electric Company ("PGE") filed a Motion to
9 Strike Portions of Staff Exhibit 400 ("Motion"). As there is an evidentiary hearing scheduled for
10 Monday, August 23, and Friday is a furlough day at the Public Utility Commission of Oregon
11 ("Commission"), PGE requests expedited consideration. Because an order will necessarily have
12 to be entered today on PGE's Motion, Staff respectfully files this expedited response to PGE's
13 Motion.

14 PGE's Motion contends that portions of Staff's Reply Testimony, filed August 16, 2010,
15 is outside the scope of testimony allowed in this docket. PGE then requests a remedy of striking
16 certain portions of Staff's testimony, or alternatively, adding additional opportunities for PGE to
17 testify in this docket through a change in the schedule.

18 Staff respectfully requests that PGE's Motion be denied. First, Staff's Reply Testimony
19 is responsive to testimony filed by PGE and Idaho Power, most specifically Idaho Power, and
20 clearly within the scope of this proceeding. Second, PGE's reliance on Order No. 10-157 is
21 misplaced because, unlike the situation in that Order, PGE has the opportunity to cross-exam
22 Staff on its reply testimony and file briefs. Third, PGE's request for further delay in this docket
23 has potential rate impacts for power cost filings.

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1 DISCUSSION

2 1. Staff's testimony is responsive to the testimony of Idaho Power and PGE and clearly
3 within the scope of replying to issues raised by the utilities.

4 Surely, Staff is not limited in reply testimony to simply agreeing or disagreeing with
5 issues raised by PGE and Idaho Power, but instead it can offer its expert opinion on the issues
6 raised in that utility testimony. Staff's summary of its reply testimony (Staff/400, Brown/14,
7 lines 5-19) clearly demonstrates that those portions of Staff's reply testimony are in response to
8 testimony of Idaho Power and PGE. PGE's Motion that portions of Staff's reply testimony are
9 outside the scope of this proceeding is perplexing. There is simply no Staff testimony outside
10 the scope of the testimony filed by PGE and Idaho Power.¹

11 2. PGE's reliance on Order No. 10-157 is misplaced.

12 PGE's Motion suggests that Order No. 10-157 provides support for its position that
13 fairness requires a change in the schedule to allow PGE to file yet more testimony. However, it
14 is clear from the language of that Order that this situation is fundamentally different from the
15 circumstance discussed in that Order because this time PGE has the opportunity to cross examine
16 Staff on its testimony and to file briefs on the record. To the extent that PGE has questions about
17 those portions of Staff's reply testimony, it can ask them and make a record through cross
18 examination on August 23, 2010.

19 3. Further rounds of testimony and delay are unnecessary and could result in rate impacts in
20 power cost filings.

21 PGE's Motion, in the alternative to striking portions of Staff's reply testimony, requests a
22 delay in the proceeding to allow it the opportunity to file more testimony. As discussed above,
23 there is no reason in law or equity that PGE is entitled to an additional round of testimony based
24

25 ¹ PGE's Motion states that Staff failed to include its work papers in its testimony. PGE's Motion is misleading.
26 Staff did not have any work papers. When it was contacted by PGE, it so stated, but also provided what information
it had, which was the use of historical information provided by the companies.

1 upon Staff's reply to PGE and Idaho Power. Furthermore, delay could result in the delay of rate
2 impacts. *See generally*, UE 215 Stipulation filed July 29, 2010 and UE 216 Stipulation filed July
3 7, 2010.

4 CONCLUSION

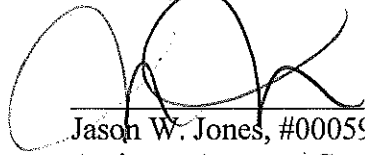
5 For the foregoing reasons, Staff respectfully requests that PGE's Motion be denied.

6 DATED this 19th day of August 2010.

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Assistant Attorney General
Of Attorneys for Staff of the Public Utility
Commission of Oregon

1 **CERTIFICATE OF SERVICE**

2 I certify that on August 19, 2010, I served the foregoing Staff's Response upon all parties
3 of record in this proceeding by delivering a copy by electronic mail and by mailing a copy by
4 postage prepaid first class mail or by hand delivery/shuttle mail to the parties accepting paper
5 service.

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