

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1953

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC)	ANSWER TO MOTION TO AMEND
COMPANY)	PROCEDURAL SCHEDULE
)	
Investigation into Proposed Green Tariff-)	
Phase II)	

The Northwest and Intermountain Power Producers Coalition (“**NIPPC**”) respectfully files this answer to the motion filed earlier today, September 4, 2020, by Portland General Electric Company (“**PGE**”) proposing to amend the procedural schedule in this docket by adding a due date for cross examination statements of September 15, 2020 – a full 2 weeks prior to the hearing in this proceeding -- and seeking expedited consideration of such request. As described below, the date proposed by PGE (the “**PGE Proposed Date**”) would be highly prejudicial to NIPPC and other parties *given that PGE has not yet responded to a number of outstanding data requests*. NIPPC instead proposes that the date for submission of cross examination statements be September 22, 2020 (the “**NIPPC Proposed Date**”), a full week prior to the start of the hearing. NIPPC is authorized to state that Calpine Energy Solutions supports the NIPPC Proposed Date.

NIPPC served PGE with data requests related to PGE’s most recent testimony in this proceeding on August 28, 2020. A copy of this data request is attached. PGE is

obligated to provide data responses no later than Friday, September 11, 2020.¹ The PGE Proposed Date of Tuesday, September 15, 2020 would provide NIPPC with just two business days to review any such responses, consult with NIPPC's own witness and members, determine the need for cross examination related to such responses, modify its litigation strategy as appropriate, and manage the administrative tasks of creating appropriate documentation for filing. ***Such a compressed schedule would materially prejudice NIPPC's ability to prepare its case.*** This prejudice is further magnified due to the current remote work requirement environment in keeping with the continued state of emergency due to the Coronavirus outbreak in Oregon.²

Further, the PGE Proposed Date is a full two weeks prior to the hearing, which is significantly longer than the Commission's traditional practice, even during these uncertain times. By way of example, in the ongoing PacifiCorp rate proceeding in Docket UE 374 – a case substantially more complex than this one, and also undertaken in the virtual hearing format – parties were required to file cross examination statements just one week prior to the start of the virtual hearing. Requiring the filing of cross examination statements a full week before the hearing in this case, as proposed by NIPPC, would be consistent with Commission practice (including Commission practice related to virtual hearings), would not prejudice any party, and would allow a reasonable period of time for all parties to complete hearing preparations.

¹ See OPUC Administrative Rule 860-001-0540.

² See, e.g., Oregon Executive Order No. 20-38, extending the state of emergency through November 3, 2020.

NIPPC respectfully ask that, to the extent the procedural schedule in this docket is amended to add a date for cross examination statements, such date be the NIPPC Proposed Date of September 22, 2020, rather than the date proposed by PGE.

Dated this 4th Day of September 2020.

Respectfully submitted,



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One of counsel to NIPPC



August 28, 2020

Via Huddle/email

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Re: OPUC Docket UM 1953 – NIPPC’s Second Set of Data Requests to Portland General Electric Company

Please see the data requests set forth below with regard to the above-referenced docket. Please provide responses electronically only, and in the original electronic format, if possible. Please use the definitions and instructions set forth below. These are ongoing requests and include requests for information that becomes available during these proceedings. Please upload responses to Huddle or otherwise provide responses to the following persons:

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DEFINITION

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For the purposes of these requests, the following words have the following meanings:

1. “Documents” refers to all writings and records of every type in your possession,

control, or custody, whether or not claimed to be privileged or otherwise excludable from discovery, including but not limited to: testimony and exhibits, memoranda, papers, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, bills, invoices, statements of services rendered, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data (including E-mail), computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, work papers, engineering diagrams (including “one-line” diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise, and drafts of any of the above.

“Documents” includes copies of documents, where the originals are not in your possession, custody or control.

“Documents” includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy.

“Documents” also includes any attachments or appendices to any document.

2. “Identification” and “identify” mean:

When used with respect to a document, stating the nature of the document (e.g., letter, memorandum, minutes); the date, if any, appearing thereon; the date, if known, on which the document was prepared; the title of the document; the general subject matter of the document; the number of pages comprising the document; the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document; the identity of each person who signed or initiated the document; the identity of each person to whom the document was addressed; the identity of each person who received the document or reviewed it; the location of the document; and the identity of each person having possession, custody, or control of the document.

When used with respect to a person, stating his or her full name; his or her most recently known home and business addresses and telephone numbers; his or her present title and position; and his or her present and prior connections or associations with any participant or party to this proceeding.

3. “Portland General Electric Company” and “the Company” and “PGE” refer to Portland General Electric Company, any affiliated company, or any officer, director or employee of Portland General Electric Company or any affiliated company.

4. “Person” refers to, without limiting the generality of its meaning, every natural

person, corporation, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

5. “Studies” or “study” includes, without limitation, reports, reviews, analyses and audits.
6. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of this discovery any information or documents which might otherwise be considered to be beyond their scope.
7. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular, whenever appropriate in order to bring within the scope of this discovery request any information or documents which might otherwise be considered to be beyond their scope.
8. “Work papers” means documents that show the source, calculations, and details supporting the material referenced in the data request.

INSTRUCTIONS

1. These requests call for all information, including information contained in documents, which relate to the subject matter of the Data Request and which is known or available to you.
2. Where a Data Request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part or portion. Any objection to a Data Request should clearly indicate the subdivision, part, or portion of the Data Request to which it is directed.
3. Each response should be furnished on a separate page. Electronic versions of the document, including studies and analyses, must be furnished if available.
4. If you cannot answer a Data Request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the Data Request in full, and state what information or knowledge you have concerning the unanswered portions.
5. If, in answering any of these Data Requests, you feel that any Data Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using in responding to the Data Request.

6. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, state where the document can be obtained, and specify the number of pages it contains.
7. If you assert that any document has been destroyed, state when and why it was destroyed and identify the person who directed the destruction. If the document was destroyed pursuant to your document destruction program, identify and produce a copy of the guideline, policy, or company manual describing such document destruction program.
8. If you refuse to respond to any Data Request by reason of a claim of privilege, confidentiality, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. With respect to requests for documents to which you refuse to respond, identify each such document, and specify the number of pages it contains.
Please provide: (a) a brief description of the document; (b) date of document; (c) name of each author or preparer; (d) name of each person who received the document; and (e) the reason for withholding it and a statement of facts constituting the justification and basis for withholding it.
9. Identify the person from whom the information and documents supplied in response to each Data Request were obtained, the person who prepared each response, the person who reviewed each response, and the person who will bear ultimate responsibility for the truth of each response.
10. If no document is responsive to a Data Request that calls for a document, then so state.
11. These requests for documents and responses are continuing in character so as to require you to file supplemental answers as soon as possible if you obtain further or different information. Any supplemental answer should refer to the date and use the number of the original request or subpart thereof.
12. Whenever these Data Requests specifically request an answer rather than the identification of documents, the answer is required and the production of documents in lieu thereof will not substitute for an answer.
13. To the extent that the Company believes it is burdensome to produce specific information requested, please contact NIPPC to discuss the problem prior to filing an answer objecting on that basis to determine if the request can be modified to pose less difficulty in responding.
14. To the extent the Company objects to any of the requests please contact NIPPC to

determine if the request can be modified to produce a less objectionable request.

DATA REQUESTS

1. Reference PGE Exhibit 800, p. 12, lines 3-7:
 - a. Please specify the “type” of customer demand for a VRET.
 - b. Please specify the “amount” of customer demand for a VRET

2. Reference PGE Exhibit 800, p. 17, lines 2-4:
 - a. Please specify the total number of customers that formally requested service under the GEAR program for Phase 1.
 - i. Please identify all such customers.

 - b. Of the total number of customers identified in response to Question 2.a., how many of such customers were not previously customers on PGE’s system?
 - i. Please identify all such customers.

 - c. If any customers identified in response to Question 2.a., were already customers on PGE’s system, did PGE assign new customer representatives to work with such customers on GEAR issues? For the purposes of this question, please interpret the term “customer representative” as any employee of PGE that routinely works with specified customers regardless of their official job title.
 - i. If so, please provide the names of the customer representative providing service with respect to standard cost of service offerings and with respect to the GEAR program.

 - d. Please describe the accounting treatment and provide journal entries documenting how PGE segregates cost of administration for its GEAR Program, expressly including:
 - i. Labor
 - ii. Outside Services
 - iii. State & Federal Lobbying
 - iv. Marketing and business development
 - v. Legal costs
 - vi. Credit and risk
 - vii. Billing and invoicing
 - viii. Regulatory matters.

 - e. Please specify the total number of customers that have inquired about requested service under the GEAR program for Phase 2.
 - i. Please identify all such customers.

- ii. Please provide all documents, communications and analysis regarding estimated program demand.
 - f. Of the total number of customers identified in response to Question 2.d., how many of such customers were not previously customers on PGE's system?
 - i. Please identify all such customers.
- 3. Reference PGE Exhibit 800, p. 42 through p. 46:
 - a. With respect to PGE 800, page 42, lines 6-7, ("we do not currently have a specific resource identified for participation in the GEAR Tranche 2 ..."):
 - i. please identify all resources PGE has evaluated or considered (or is evaluating or considering) for participation in the GEAR Tranche (2).
 - ii. When does PGE anticipate selecting a specific resource?
 - iii. Please describe the specific criteria PGE will use to select a specific resource.
 - iv. Please provide all analysis, discussions and communications regarding the benefits and/or detriments to PGE from owning a resource for the Gear Tranche 2 program.
 - b. Please provide the agreement(s) PGE entered into with Avangrid Renewables on or around February 2020 to supply energy for Phase 1 of the GEAR program (the "Avangrid PPA").
 - c. When did PGE first engage in discussions with Avangrid regarding the Avangrid PPA?
 - d. Did PGE negotiate with any other developers to purchase supply for Phase 1 of its GEAR program? If so,
 - i. Please specify such developers.
 - ii. Please explain how PGE evaluated the Avangrid PPA as compared to other potential sources of supply
 - e. Does the Avangrid PPA include any opportunity for PGE to take ownership of the project in the future, through a right to purchase, a right of first offer, a right of first refusal, or any other contractual right under which PGE could acquire the asset?
 - f. In negotiations with any prospective or potential supplier of power for the GEAR program, has PGE requested, or been offered, any opportunity for PGE to take ownership of the project in the future, through a right to purchase, a right of first offer, a right of first refusal, or any other contractual right under which PGE could acquire the asset? If the answer is anything other than an unqualified "no," please provide all relevant correspondence and analysis.

4. Reference PGE Exhibit 800, p. 48, line 11
 - a. Please state the “existing and known” customer demand. Provide all analysis used to calculate this demand. Provide all correspondence with prospective customers related to this demand. Please provide all documents, communications and analysis regarding this existing and known demand.

Sincerely,



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Cc: UM 1953 Service List