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April 12, 2023

VIA ELECTRONIC FILING

Attention: Filing Center
Public Utility Commission of Oregon
201 High Street SE, Suite 100
P.O. Box 1088
Salem, Oregon 97308-1088

Re: Docket UM 2032 – Investigation into the Treatment of Network Upgrade Costs for Qualifying Facilities

Attention Filing Center:

Attached for filing in the above-captioned docket is the Joint Utilities' Response to the Interconnection Customer Coalition's Reply in Support of the Motion for Clarification.

Please contact this office with any questions.

Sincerely,

Alisha Till
Paralegal

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Staff Investigation into Treatment of Network
Upgrade Costs for QFs.

**JOINT UTILITIES' RESPONSE TO
INTERCONNECTION CUSTOMER
COALITION'S REPLY IN SUPPORT OF
MOTION FOR CLARIFICATION**

PacifiCorp d/b/a Pacific Power (PacifiCorp), Portland General Electric Company (PGE), and Idaho Power Company (Idaho Power) (together, the Joint Utilities) submit this Response to the Reply in Support of Motion for Clarification filed by the Community Renewable Energy Association (CREA), the Northwest & Intermountain Power Producers Coalition (NIPPC), and the Renewable Energy Coalition (REC) (collectively, the Interconnection Customer Coalition or ICC) filed on April 10, 2023 (hereinafter, the Reply). Despite acknowledging that the Public Utility Commission of Oregon's (Commission) rules do not allow for a reply to an application for reconsideration, the ICC claims the Reply is permitted because the ICC's initial filing was styled as a "Motion for Clarification, or in the Alternative, Application for Reconsideration."¹ The Joint Utilities disagree that styling a reconsideration request as a motion for clarification in the alternative makes a reply permissible and will not be filing a reply in support of their own Motion for Rehearing and/or Clarification.

OAR 860-001-0720 governs rehearing or reconsideration and states that replies are not permitted unless requested by the Administrative Law Judge. When it adopted this rule in 2010, the Commission explained that it was "due to the limited time allowed for the Commission to act

¹ ICC's Reply at 2 n.1 (Apr. 10, 2023).

on an application for rehearing or reconsideration.”² The Commission’s rules do not formally distinguish between requests for reconsideration and requests for clarification, but requests for clarification are typically handled under the rule governing reconsideration, particularly when the clarification request and reconsideration request are presented as alternatives. For example, in docket UM 1725, CREA and REC sought clarification pursuant to OAR 860-001-0720 and requested leave to file a reply in that case.³ Similarly, in docket UE 267, NIPPC and other parties sought leave to file a reply regarding their “Motion for Clarification, or in the Alternative, Application for Reconsideration or Rehearing.”⁴

To provide clarity to all parties, the Joint Utilities request that the Commission confirm that the ICC’s recent reinterpretation of the Commission’s rules is incorrect and that a reply is not permitted in this circumstance. Because the Reply does not contain any new material, the Joint Utilities are not moving to strike it or seeking leave to submit a response.

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² *In re Pub. Util. Comm’n of Or. Revisions to the Admin. Rules Regarding Practice and Procedure*, Docket AR 535, Order No. 10-400 at 21 (Oct. 14, 2010).

³ *In re Idaho Power Co. Application to Lower Standard Contract Eligibility Cap*, Docket UM 1725, Request for Leave to Reply and Reply in Support of Motion for Clarification of the Community Renewable Energy Association and the Renewable Energy Coalition (May 6, 2016).

⁴ *In re PacifiCorp dba Pac. Power Transition Adjustment, Five-Year Cost of Serv. Opt-Out*, Docket UE 267, Request for Leave to Reply and Reply of Noble Americas Energy Solutions LLC, Shell Energy North America (US), LP, Constellation NewEnergy, Inc., Fred Meyer Stores, Inc./Kroger, Co., the Northwest and Intermountain Power Producers Coalition, and Safeway Inc. (May 12, 2015); *see also* Docket UE 267, Order No. 15-195 at 1 n.2 (June 16, 2015) (accepting reply because no party objected).

Dated April 12, 2023.

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