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December 9, 2021

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
201 High St. SE, Suite 100
Salem OR 97301

Re: In the Matter of ALLIANCE OF WESTERN ENERGY CONSUMERS,
Application for an Accounting Order Requiring PacifiCorp to Defer Fly Ash
Revenues.
Docket No. UM 2201

Dear Filing Center:

Please find enclosed the Alliance of Western Energy Consumers' Reply
Comments in the above-referenced docket.

Thank you for your assistance. If you have any questions, please do not hesitate
to call.

Sincerely,

/s/ Jesse O. Gorsuch
Jesse O. Gorsuch

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2201

In the Matter of)	
)	
ALLIANCE OF WESTERN ENERGY CONSUMERS,)	REPLY COMMENTS OF THE ALLIANCE OF WESTERN ENERGY CONSUMERS
)	
Application for an Accounting Order Requiring PacifiCorp to Defer Fly Ash Revenues.)	
_____)	

I. INTRODUCTION

Pursuant to OAR 860-027-0300(8) and OAR 860-001-0150, the Alliance for Western Energy Consumers (“AWEC”) hereby files with the Public Utility Commission of Oregon (“Commission”) these Reply Comments to PacifiCorp d/b/a Pacific Power’s (“PacifiCorp” or “Company”) November 22, 2021 Answer in the above-captioned proceeding.^{1/}

II. COMMENTS

PacifiCorp requests that the Commission deny AWEC’s Application, arguing that AWEC failed to “comply with the standards that have been set by the Commission for an application for the deferral of certain revenues.”^{2/} Specifically, PacifiCorp cites the Commission’s two-step approach for evaluating deferrals – first, whether the deferral is legally

^{1/} While PacifiCorp relied on OAR 860-001-0400 as the basis for filing its Answer, responses and replies to petitions for deferred accounting are governed by OAR 860-027-0300(6)(d) and (8), which provide that the deadline for comments on a deferred accounting application must be set no sooner than 25 days from the date of the application, and the applicant may file reply comments within ten days after the due date for comments. The Reply is being filed 10 days following the due date for comments on AWEC’s Application.

^{2/} PacifiCorp’s Answer to AWEC’s Application for Deferred Accounting, at 1 (Nov. 22, 2021).

authorized, and then, if so, whether the Commission should exercise its discretion to authorize the deferral – and argues that AWEC has failed to meet its burden of persuasion on both elements.^{3/}

As the Company notes, in UE 390 the Commission explicitly invited the use of deferred accounting to capture increased fly ash revenues, which the Commission “would review under [its] normal approach to deferrals.”^{4/} PacifiCorp’s Answer, however, ignores the Commission’s rules governing deferrals and the standard process for evaluating them. OAR 860-027-0300(3) sets forth the requirements for the contents of an application, which contrary to PacifiCorp’s unsupported statement, AWEC clearly met.^{5/} The Company fails to cite this rule. The issues PacifiCorp raises regarding the Commission’s two-step approval standard for deferrals have traditionally been addressed in a separate contested case process.^{6/} AWEC does not anticipate the process for evaluating this deferral would be any different, although in the interest of administrative efficiency, AWEC would support staying any litigation over this deferral until PacifiCorp’s next general rate case, and potentially consolidating this deferral with that case.

Nonetheless, PacifiCorp’s argument that AWEC has failed to provide evidence to meet its burden of persuasion may not be wholly without merit. If the Commission agrees with

^{3/} Id. at 2-4

^{4/} Docket No. UE 390, Order No. 21-379, at 36 (Nov. 1, 2021).

^{5/} See OAR 860-027-0300(3); AWEC’s Application for an Accounting Order Requiring PacifiCorp to Defer Fly Ash Revenues, at 3-5 (Nov. 2, 2021).

^{6/} See Docket No. UM 1817, Order No. 19-274, at 2 (Aug. 19, 2019) citing Docket No. UM 1147, Order No. 05-1070, at 2-3, 5, 7 (Oct. 5, 2005); Docket No. UM 1992, Order No. 20-004, at 6 (Jan. 8, 2020); Docket No. UM 1623, Order No. 16-257, at 2 (July 7, 2016) (internal citations omitted); Docket No. UM 1071, Order No. 04-108, at 8 (March 2, 2004).

this argument, then AWEC will withdraw its Application and expect that the Commission will similarly dismiss every one of PacifiCorp's outstanding deferrals, all of which are substantively identical to AWEC's Application in this matter.^{7/}

III. CONCLUSION

AWEC has met the requirements for an application for deferred accounting and will demonstrate that this deferral complies with the Commission's standards for granting deferrals at the appropriate time. This approach is consistent with the Commission's standard process for evaluating deferrals.

Dated this 9th day of December, 2021.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

^{7/} PacifiCorp's outstanding deferrals before the Commission include, but are not limited to the following: Docket No. UM 2186, PacifiCorp's Application for Approval of Deferred Accounting for Costs Relating to a Renewable Resource Pursuant to ORS 469A.120 (July 27, 2021); Docket No. UM 2167, PacifiCorp's Application for Approval of Deferred Accounting for Revenues Associated with Renewable Energy Credits from Pryor Mountain (May 13, 2021); Docket No. UM 2159, PacifiCorp's Application for Approval of Deferred Accounting for Costs Related to Wildfire Risk Mitigation Measures and Vegetation Management (March 11, 2021); Docket No. UM 2158, PacifiCorp's Application for Approval of Deferred Accounting for a Balancing Account Related to Schedule 95, Pilot Program Cost Adjustment (March 8, 2021); Docket No. UM 2200, PacifiCorp's Application for Deferred Accounting for a Balancing Account Related to Transportation Electrification Pilots (Oct. 20, 2021); Docket No. UM 2194, PacifiCorp's Application for a Pre-Filed Emergency Deferral Account (Sep. 3, 2021); Docket No. 2189, PacifiCorp's Application for Order Approving the Deferral of Costs Associated with Insurance Premiums (July 27, 2021); and Docket No. UM 2185, PacifiCorp's Application for Approval of Deferred Accounting and Accounting Order Related to Non-Contributory Defined Benefit Pension Plans (July 27, 2021).

/s/ Tyler C. Pepple

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