

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UE 394

In the Matter of	)	
	)	
PORTLAND GENERAL ELECTRIC	)	MOTION OF SMALL BUSINESS
	)	UTILITY ADVOCATES FOR LEAVE
Request for General Rate Revision	)	TO FILE REPLY OUT OF TIME;
	)	EXPEDITED CONSIDERATION
	)	<u>REQUESTED</u>

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**1. INTRODUCTION**

Pursuant to OAR 860-001-0420, Small Business Utility Advocates (“SBUA”) moves the Administrative Law Judge to allow SBUA to file a Reply to the Alliance of Western Energy Consumers (“AWEC”) and Oregon Citizen’s Utility Board of Oregon (“CUB”) Response to SBUA’s Petition for Case Certification (“Response”). SBUA proposes to file this Reply by March 7, 2022.

**2. BACKGROUND**

On January 3, 2022, SBUA initiated conference in a message to both AWEC and CUB (together “AWEC-CUB”) regarding SBUA’s intent to seek intervenor funding in the docket and SBUA received a reply stating, among other comments as to the merits of SBUA’s notice, that the matter is in the Commission’s hands to decide. On February 4, 2022, pursuant to the Fourth Amended and Restated Intervenor Funding Agreement<sup>1</sup> SBUA filed a Petition for Case Certification in this docket, UE 394 Portland General Electric Company Request for General Rate Revision.<sup>2</sup> On February 16, 2022, the Chief Administrative Law Judge (“ALJ”) filed a

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<sup>1</sup> Approved by Public Utility Commission of Oregon Order 18-017, and hereinafter (“IFA”).

<sup>2</sup> OAR 860-001-0420 and IFA 5.3.

Bench Request to SBUA requesting various information be filed by February 25, 2022.<sup>3</sup> On February 22, 2022, CUB and AWEC filed a Response to the SBUA's Petition. On February 25, 2022 SBUA timely submitted its Response to the ALJ Bench Request including a UE 394 Amended Proposed Budget Exhibit A that is responsive to allegations in the Response.<sup>4</sup> SBUA seeks leave now to file a Reply to the Response even though such Reply would be over seven days after February 22, 2022.

### 3. ARGUMENT

#### a. The ALJ may and should apply the rules to allow filing out of time.

The ALJ has the discretion to grant leave to SBUA to file the Reply pursuant to Commission rules<sup>5</sup>, and the ALJ should allow a later filing in these circumstances. The Reply of SBUA necessarily would incorporate reference to or information, timely submitted by SBUA but very recently posted to the service list of this docket. In particular, the Amended Proposed Budget Exhibit A responds to an AWEC-CUB objection to the budget scope. Also, for context and with specific reference to this docket SBUA did initiate conference on January 3, 2022 with AWEC-CUB pursuant to the OAR 860-001-0420 regarding its Petition seeking intervention funding. Given the context of this docket, it is fair and reasonable to allow SBUA time to file a Reply to the AWEC-CUB Response.

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<sup>3</sup> The Bench Request was filed in three dockets: UM 2114, UG 435 & UG 411, and UE 394 dockets where SBUA had filed in 2022 petitions per the IFA pertaining seeking intervenor funding.

<sup>4</sup> The submission was not posted in the dockets but confirmation of receipt is on file with SBUA.

<sup>5</sup> OAR 860-001-0090(1)(h) and(m).

b. Expedited request is requested.

SBUA certifies pursuant to OAR 860-001-0420 that it has conferred with parties via e-mail regarding seeking expedited consideration of this request.

c. OAR 860-001-0420(2) & (6) conferences.

1) Pursuant to OAR 860-001-0420(2), SBUA emailed this Motion on 3/2/22 to AWEC-CUB counsel to confer with regard to an extension and called on 3/3/22, and AWEC-CUB X does not oppose.

2) Pursuant to OAR 860-001-0420(6), SBUA has consulted with AWEC-CUB with regard to an expedited consideration and received this response: CUB does not plan to file a response; AWEC does not oppose a reasonable time set for response and reply.

#### **4. CONCLUSION**

For the foregoing reasons, the ALJ should grant this leave to file a Reply to be filed by March 7, 2022.

RESPECTFULLY SUBMITTED March 4, 2022.



s/ Diane Henkels

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