

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Request for a General Rate Revision

PETITION TO INTERVENE

The City of Hillsboro petitions to intervene in this proceeding. In support of this petition, the following is provided:

1. The contact information (name, address, email address) of the petitioner is:

Name: Andrew Bartlett  
Company: City of Hillsboro  
Street Address: 150 East Main St.  
City, State, Zip: Hillsboro, OR 97123  
Email Address: andrew.bartlett@hillsboro-oregon.gov  
Telephone: 503-681-5204

☒ Please include this contact on the service list.

2a. The petitioner ☒ will ☐ will not be represented by counsel in this proceeding. The contact information for petitioner's counsel to be included on the service list is:

Name: Nancy Werner  
Company: Beery, Elsner and Hammond, LLP.  
Street Address: 1750 SW Harbor Way, Suite 380  
City, State, Zip: Portland, OR 97201-5106  
Email Address: info@gov-law.com  
Telephone: 503-226-7191

2b. Additional contacts to be included on the service list (a petitioner is limited to three contacts on the service list):

Name:  
Company:  
Street Address:  
City, State, Zip:

Email Address:  
Telephone:

Name:  
Company:  
Street Address:  
City, State, Zip:  
Email Address:  
Telephone:

3. If the petitioner is an organization, the number of members in and the purposes of the organization:

The City of Hillsboro is a municipal corporation duly organized and existing under the laws of the State of Oregon with a population of 92,350 residents. Hillsboro has home rule charter and statutory authority to manage public rights of way within the City, to enter into franchise agreements with entities operating in City rights of way and to enact privilege taxes to compensate the public for use of public rights of way by such entities.

☐ List of Members attached

4. The nature and extent of the Petitioner's interest in the proceeding is:

Franchise Fees. Hillsboro has enacted a privilege tax provision in the Hillsboro Municipal Code under its authority identified above, and to our knowledge is the only city to have done so. The privilege tax applies to electricity and gas service suppliers operating in Hillsboro, including electric service suppliers providing service to direct access customers in Hillsboro. Hillsboro's privilege tax was enacted in December, 2011.

Hillsboro participated in UM 1587, which, among other things, raised questions about how PGE's recovery of privilege taxes and franchise fees through its rates impact direct access customers. In OPUC Order 12-500 in that docket, the Commission ordered PGE to address the issue in its next rate case and to work with interested parties to develop a franchise fee rate element that would not apply to direct access customers. The City seeks to intervene in the proceeding to ensure it is among the interested parties involved in developing PGE's proposal to implement Order 12-500.

5. The issues the Petitioner intends to raise at the proceeding are:

As directed in OPUC Order 12-500: (1) develop a volumetric franchise fee rate element that would be avoided by any customer taking direct access service; and (2) devise a protocol for giving notice to affected local governments whenever one of their retail customers chooses direct access service.

6. The special knowledge or expertise of the Petitioner that would assist the Commission in resolving the issues in the proceeding is:

Hillsboro has enacted a privilege tax applicable to electricity service suppliers operating in Hillsboro and using city rights of way to distribute direct access electricity services. Additionally, Hillsboro has a franchise agreement with PGE. Hillsboro is home to some of the state's largest industrial customers in the high-tech industry cluster; as a result, Hillsboro has experienced significant declines in revenue in the past due to direct access. For this reason, the City enacted the regulations identified above to ensure the city protects its right to manage the rights-of-way and receive compensation for use of this public space. The City's perspective is unique in this regard and could be significantly affected by these proceedings.

7. Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

/s/ Andrew Bartlett  
Petitioner or Petitioner's Representative

3/27/2013  
Date Signed