

BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON

**UE 262**

IN THE MATTER OF	)	
	)	Petition to Intervene, Request For Expedited
	)	Action and Waiver of Paper Service of the
<b>Portland General Electric Company</b>	)	<b>Northwest &amp; Intermountain Power Producers</b>
	)	<b>Coalition</b>
Request For General Rate Revision	)	
	)	

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**Petition for Late Intervention, Request for Expedited Action and Waiver of Paper  
Service of  
Northwest & Intermountain Power Producers Coalition**

Pursuant to OAR 860-001-0300 and 860-002-0420, the Northwest & Intermountain Power Producers Coalition ("**NIPPC**") respectfully moves that it be permitted to intervene in the above-captioned docket as a Party to the proceeding, and respectfully moves for expedited action approving this intervention. As addressed in greater detail below, NIPPC is respectfully moving to intervene out of time in this proceeding because an issue has been raised *sua sponte* in testimony filed by Staff of paramount importance to NIPPC and for which NIPPC did not have any prior notice, specifically, issues related to Portland General Electric Company's ("**PGE**") direct access program. As the industry group dedicated to promoting the interests of independent power generators in the Pacific Northwest and in PGE's service territory, NIPPC submits that it represents a critical interest in any discussion of direct access in Oregon, and that no other party to the proceeding can adequately represent NIPPC's interests. In support of this motion, NIPPC respectfully states as follows:

1. The name and address of the Intervenor is as follows:

Northwest and Intermountain Power Producers Coalition  
c/o Robert D. Kahn, Executive Director  
1117 Minor Avenue, Suite 300  
Seattle, Washington 98101  
Telephone: (206)236.7200  
rkahn@nippc.org

2. Intervenor, NIPPC, will be represented herein by:

Carl Fink (OSB No. 980262)  
Suite 200  
628 SW Chestnut Street  
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NIPPC requests that the names of Robert Kahn and Carl Fink be placed on the official service list for this docket.

3. NIPPC is a trade association whose members and associate members include independent power producers active in the Pacific Northwest and Western energy markets.<sup>1</sup> The purpose of NIPPC is to represent the interests of its members in developing rules and policies that help achieve a competitive electric power supply market in the Pacific Northwest.

4. NIPPC is seeking intervenor status in this proceeding to address issues related to direct access. NIPPC's members desire a competitive electric power supply market, and have an interest in direct access as generators and as electricity service suppliers. NIPPC members include entities planning to develop power generation facilities in the Pacific Northwest capable of delivering power into PGE's service territory as well as entities with existing and available power generation facilities that can provide economically priced power to PGE customers. NIPPC members also operate in other jurisdictions, and have experience with direct access programs in other states and provinces. NIPPC's special knowledge and expertise with independent generation, competitive power sales and direct access issues in other jurisdictions can assist the Commission with resolving issues in this proceeding.

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<sup>1</sup> NIPPC's members include Atlantic Power Corporation, Calpine Corporation, Constellation Energy Control & Dispatch, Development Partners Group LLC, EDF Renewable Energy, EDP Renewables North America LLC, Invenergy Wind North America LLC, Perennial Power Holdings, Inc. Shell Energy North America, TransAlta Energy Marketing, Inc., and TransCanada Corporation.

5. **Good cause exists to permit NIPPC's late intervention.** As filed, this proceeding did not initially include any issues related to PGE's direct access program; and PGE did not propose any changes, or file testimony related to, direct access issues. However, although direct access was not initially an issue, Staff filed testimony on the topic, *sua sponte*, **introducing the issue into the proceeding for the first time**. As Staff explains (Compton testimony, page 3, lines 3-15):

**Q. IN REVIEWING PGE'S DIRECT TESTIMONY IN THIS DOCKET I DON'T RECALL DIRECT ACCESS BEING MENTIONED AS A MATTER OF INTEREST OR CONCERN. IS THAT CORRECT?**

A. Yes. Staff is raising the issue due to some concerns on our part with PGE's direct access policies<sup>2</sup> and tariff. In as much as PGE's rates are now being reviewed pursuant to the general rate case, this is an appropriate time to be considering how the direct access transition fees should be set in the future, and how the revenues from those fees should be spread among the various customer schedules. I also note that UE-267, a PacifiCorp docket, is also addressing this topic, motivated by the fact that PacifiCorp does not currently have the equivalent of PGE's long-term opt out tariff. Not surprisingly, Staff is, or will be, proposing sound and consistent direct access policies for both companies.

<sup>2</sup> The policies were a product of negotiation. As indicated later in this testimony, PGE also has concerns regarding its direct access tariff and underlying policies.

Because this issue was not initially raised in this proceeding, and was raised for the first time in testimony not served on NIPPC (as a non-party) or otherwise publicly noticed, NIPPC did not have prior knowledge that this issue would be addressed in this docket.

Direct access issues affect a number of private and public interests, but perhaps none as directly as independent power producers. Direct access cannot exist without independent power available for sale. NIPPC and its members believe that they can offer power to customers in Oregon at competitive rates that will benefit the economy, create jobs, and lower overall ratepayer risk, but this can only be done if the rules and tariffs are fair and equitable, and if customers have a reasonable opportunity to elect direct access. Whether and how direct access operates in Oregon is a critical issue to NIPPC and its members, and represents a major economic opportunity for independent power. NIPPC and its members have a clear and direct

interest in this proceeding that cannot and is not being addressed by any other participant.

Moreover, NIPPC understands that direct access issues may be ripe for settlement. As noted in the Staff testimony cited above, footnote 2, PGE's original direct access policies were developed through negotiation and it is reasonable to anticipate that modifications to the program may be achieved through negotiation. However, to the extent a settlement were to be reached on these issues without an opportunity for participation by NIPPC, a critical party to discussions on this issue, such settlement could not form the basis of reasoned decision making by the Commission.

NIPPC's participation in this proceeding at this juncture will not unreasonably broaden the issues, burden the record, or delay the proceeding. In particular, NIPPC is seeking only to address issues raised by Staff in its testimony, and not broaden the proceeding. NIPPC can address such issues in reply testimony, along with other parties, without a delay to the proceeding. NIPPC's participation will not burden the record in this proceeding.

6. ***Request for Expedited Treatment.*** NIPPC respectfully requests that its intervention be granted on an expedited basis. NIPPC understands that parties to this proceeding have or may soon engage in settlement discussions that may affect the outcome of significant issues of interest to NIPPC. NIPPC requests that intervenor status be granted as soon as possible so that NIPPC has an opportunity to participate in any discussions that may occur.

As part of this request for expedited treatment, NIPPC certifies that it has attempted to contact each party to this proceeding to discuss the motion. No Party has objected to NIPPC's intervention nor the request for expedited treatment.<sup>2</sup>

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<sup>2</sup> Commission Staff and the Citizens Utility Board have each authorized NIPPC to state that they do not take a position on this issue and will not oppose NIPPC's intervention. Counsel for PGE has authorized NIPPC to indicate that PGE has expressed concern about the potential for delay to the proceeding, but does not oppose NIPPC's motion to intervene or request for expedited treatment. All other parties have either (1) expressly indicated that they support or do not oppose NIPPC's intervention and request for expedited treatment; or (2) have not responded to a detailed message and provided no indication of opposition.

7. For all reason stated herein, in compliance with the Commission's rules of procedure, NIPPC requests to participate in this proceeding as an Intervenor. Granting NIPPC's request will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.

Respectfully submitted this 10th day of July, 2013.

*Is/Carl Fink*

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CERTIFICATE OF SERVICE

I hereby certify that I have caused this **Petition for Late Intervention, Request for Expedited Action and Waiver of Paper Service of Northwest & Intermountain Power Producers Coalition** to be served by electronic mail to those parties on the attached service list for OPUC Docket No. UE 262.

Dated this 10th day of July, 2013

/S/ Carl Fink

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