



Portland General Electric Company
Legal Department
121 SW Salmon Street • Portland, Oregon 97204
(503) 464-8926 • Facsimile (503) 464-2200

Douglas C. Tingey
Assistant General Counsel

September 3, 2010

Via Electronic Filing and U.S. Mail

Oregon Public Utility Commission
Attention: Filing Center
550 Capitol Street NE, #215
PO Box 2148
Salem OR 97308-2148

Re: UE 215

Attention Filing Center:

Enclosed for filing in the captioned docket are an original and five copies of:

- **STIPULATION REGARDING INTERNATIONAL DARK-SKY ASSOCIATION ISSUES**
- **SUPPORTING JOINT TESTIMONY & EXHIBIT (UE 215/IDA-PGE/600-601)**

This is being filed by electronic mail with the Filing Center.

An extra copy of the cover letter is enclosed. Please date stamp the extra copy and return to me in the envelope provided. Thank you in advance for your assistance.

Sincerely,

DOUGLAS C. TINGEY
Assistant General Counsel

DCT:cbm
Enclosures
cc: UE 215 Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 215

In the Matter of)	
)	
PORTLAND GENERAL ELECTRIC COMPANY)	STIPULATION REGARDING INTERNATIONAL DARK-SKY ASSOCIATION ISSUES
Request for a General Rate Revision)	

This Stipulation (“Stipulation”) is between Portland General Electric Company (“PGE”), and the International Dark-Sky Association (“Dark-Sky”) (collectively, the “Stipulating Parties”).

On February 16, 2010, PGE filed this general rate case. Pursuant to the schedule adopted by the Commission, Leo Smith submitted testimony in this docket on behalf of Dark-Sky. That testimony proposed that PGE be required to adopt “midnight rates for streetlights” and include rates for 50 watt high pressure sodium lamps. On July 19, 2010, PGE filed rebuttal testimony that addressed the Dark-Sky proposals. PGE and Dark-Sky subsequently engaged in settlement discussions that resulted in a compromise settlement regarding the Dark-Sky proposals in this docket, as described below.

TERMS OF STIPULATION

- I. This Stipulation is entered to settle all issues raised by Dark-Sky in this docket.
- II. PGE will propose, by December 31, 2012, in a tariff filing to the Public Utility Commission of Oregon, a streetlight control option or options (generally referred to as a “part-night option”) for unmetered street and area light fixture types. The specific options to be offered by PGE will be determined in consultation with PGE's largest Schedule 91 customers

regarding the technology and functional requirements for controls, fixtures to control, the hours of control and costs in order to achieve energy savings and reasonably minimize streetlight pricing and administrative impacts associated with the “part-night rate” option.

III. Dark-Sky withdraws its proposal regarding rates for 50 watt high pressure sodium lamps.

IV. The Stipulating Parties recommend and request that the Commission approve this Stipulation as an appropriate and reasonable resolution of the Dark-Sky issues in this docket.

V. The Stipulating Parties agree that this Stipulation is in the public interest and will result in rates that are fair, just, and reasonable.

VI. The Stipulating Parties agree that this Stipulation represents a compromise in the positions of the Stipulating Parties. Without the written consent of all parties, evidence of conduct or statements, including but not limited to term sheets or other documents created solely for use in settlement conferences in this docket, are confidential and not admissible in the instant or any subsequent proceeding, unless independently discoverable or offered for other purposes allowed under ORS 40.190.

VII. If the Commission rejects all or any material part of this Stipulation, or adds any material condition to any final order which is not contemplated by this Stipulation, each Stipulating Party disadvantaged by such action shall have the rights provided in OAR 860-014-0085 and OAR 860-014-0095 including the right to withdraw from the stipulation and to seek reconsideration of the Commission’s order. Nothing in this paragraph provides any Stipulating Party the right to withdraw from this Stipulation as a result of the Commission’s resolution of issues that this Stipulation does not resolve.

VIII. This Stipulation will be offered into the record in this proceeding as evidence

pursuant to OAR § 860-14-0085. The Stipulating Parties agree to support this Stipulation throughout this proceeding and in any appeal, provide witnesses to sponsor this Stipulation at the hearing (if necessary), and recommend that the Commission issue an order adopting the settlements contained herein. The Stipulating Parties also agree to cooperate in drafting and submitting a joint brief or written testimony required by OAR § 860-14-0085(4).

IX. By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.

X. This Stipulation may be signed in any number of counterparts, each of which will be an original for all purposes, but all of which taken together will constitute one and the same agreement.

DATED this ^{1st} day of ^{September} August 2010.



PORTLAND GENERAL ELECTRIC
COMPANY

INTERNATIONAL DARK-SKY
ASSOCIATION

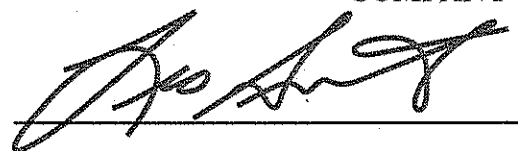
pursuant to OAR § 860-14-0085. The Stipulating Parties agree to support this Stipulation throughout this proceeding and in any appeal, provide witnesses to sponsor this Stipulation at the hearing (if necessary), and recommend that the Commission issue an order adopting the settlements contained herein. The Stipulating Parties also agree to cooperate in drafting and submitting a joint brief or written testimony required by OAR § 860-14-0085(4).

IX. By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.

X. This Stipulation may be signed in any number of counterparts, each of which will be an original for all purposes, but all of which taken together will constitute one and the same agreement.

DATED this 31st day of August 2010.

PORTLAND GENERAL ELECTRIC
COMPANY

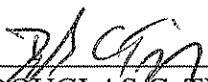


LEO SMITH, BOARD OF DIRECTORS
INTERNATIONAL DARK-SKY
ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused **STIPULATION REGARDING INTERNATIONAL DARK-SKY ASSOCIATION ISSUES and JOINT TESTIMONY IN SUPPORT OF STIPULATION (UE 215/IDA-PGE/600-601)** to be served by electronic mail to those parties whose email addresses appear on the attached service list and by method specified, postage prepaid and properly addressed, to those parties on the attached service list who have not waived paper service from OPUC Docket No. UE 215.

Dated at Portland, Oregon, this 3rd day of September, 2010.



DOUGLAS C. TINGEY, OSB # 044366
Assistant General Counsel
Portland General Electric Company
121 SW Salmon St., 1WTC1301
Portland, OR 97204
(503) 464-8926 (telephone)
(503) 464-2200 (fax)
doug.tingey@pgn.com

**SERVICE LIST –
OPUC DOCKET # UE 215**

Joseph MacDonald 15273 SE La Bonita Way Oakgrove, OR 97267	Heather Rode heatherode@gmail.com (*Waived Paper Service)
Kurt J. Boehm, Attorney BOEHM KURTZ & LOWRY kboehm@bklawfirm.com (*Waived Paper Service)	Gordon Feighner CITIZENS' UTILITY BOARD OF OREGON gordon@oregoncub.org (*Waived Paper Service)
Robert Jenks CITIZEN'S UTILITY BOARD OF OREGON bob@oregoncub.org (*Waived Paper Service)	G. Catriona McCracken CITIZEN'S UTILITY BOARD OF OREGON catriona@oregoncub.org (*Waived Paper Service)
Raymond Myers CITIZEN'S UTILITY BOARD OF OREGON ray@oregoncub.org (*Waived Paper Service)	Kevin Elliott Parks CITIZENS' UTILITY BOARD OF OREGON kevin@oregoncub.org (*Waived Paper Service)
Benjamin Walters, Deputy City Attorney CITY OF PORTLAND bwalters@ci.portland.or.us (*Waived Paper Service)	David Tooze CITY OF PORTLAND – PLANNING & SUSTAINABILITY dtooze@ci.portland.or.us (*Waived Paper Service)
S. Bradley Van Cleve DAVISON VAN CLEVE 333 SW Taylor, Suite 400 Portland, OR 97204 mail@dvclaw.com	Stephanie S. Andrus, Assistant AG DEPARTMENT OF JUSTICE 1162 Court Street, NE Salem, OR 97301-4096 stephanie.andrus@state.or.us
Kevin Higgins, Principle ENERGY STRATEGIES, LLC khiggins@energystrat.com (*Waived Paper Service)	Nona Soltero, Corporate Law Department #23C FRED MEYER STORES/KROGER nona.soltero@fredmeyer.com (*Waived Paper Service)
Marcy Putnam, Political Affairs & Communication Representatives IBEW LOCAL 125 17200 NE Sacramento Street Portland, OR 97230 marcy@ibew125.com	Lon L. Peters NW ECONOMIC RESEARCH, INC. lon@nw-econ.com (*Waived Paper Service)
Jordan A. White, Senior Counsel PACIFIC POWER & LIGHT jordan.white@pacificorp.com (*Waived Paper Service)	Oregon Dockets PACIFICORP, dba PACIFIC POWER & LIGHT oregondockets@pacificorp.com (*Waived Paper Service)
Judy Johnson Oregon Public Utility Commission 550 Capitol Street NE, #215 Salem, OR 97308-2148 judy.johnson@state.or.us	Randall J. Falkenberg RFI CONSULTING, INC. PMB 362 8343 Roswell Road Sandy Springs, GA 30350 consultrfi@aol.com

<p>Gregory M. Adams RICHARDSON & O'LEARY, PLLC greg@richardsonandoleary.com (*Waived Paper Service)</p>	<p>Peter J. Richardson RICHARDSON & O'LEARY, PLLC peter@richardsonandoleary.com (*Waived Paper Service)</p>
<p>Greg Bass SEMPRA ENERGY SOLUTIONS, LLC gbass@semprasolutions.com (*Waived Paper Service)</p>	<p>James Benya THE INTERNATIONAL DARK SKY ASSOCIATION jbenya@benyalighting.com (*Waived Paper Service)</p>
<p>Leo Smith THE INTERNATIONAL DARK SKY ASSOCIATION leo@smith.net (*Waived Paper Service)</p>	<p>Jess Kincaid, Energy Partnership Coordinator COMMUNITY ACTION PARTNERSHIP OF OREGON jess@caporegon.org (*Waived Paper Service)</p>

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

UE 215

Request for a General Rate Revision

PORTLAND GENERAL ELECTRIC COMPANY

**Stipulation Regarding Dark-Sky Issues
Joint Testimony & Exhibits**

September 3, 2010

Table of Contents

I. Introduction.....1

II. Resolved Issues.....2

III. List of Exhibits.....3

I. Introduction

1 **Q. Please state your names and positions.**

2 A. My name is Leo Smith. I am a member of the Board of Directors for the International Dark-
3 Sky Association (“IDA”) and serve as its Northeast Regional Director. I filed testimony in
4 this docket on behalf of the IDA. My qualifications appear in Exhibit A to that prefiled
5 testimony.

6 My name is Doug Kuns. I am the Manager of the Pricing and Tariffs Department within the
7 Rates and Regulatory Affairs Department at Portland General Electric (PGE). My
8 qualifications appear in PGE Exhibit 1500.

9 **Q. What is the purpose of your testimony?**

10 A. Our purpose is to describe the stipulation reached between the IDA and PGE regarding the
11 proposals made in this docket by the IDA.

12 **Q. What is the basis for this Stipulation?**

13 A. In its prefiled testimony dated June 9, 2010, the IDA made two proposals in this docket.
14 First, IDA proposed that PGE be required to adopt midnight rates for streetlights. Second,
15 IDA proposed that PGE implement rates for 50 watt high pressure sodium lamps.

16 **Q. Did PGE respond to that testimony?**

17 A. Yes. PGE filed responsive testimony on July 19, 2010. That testimony discussed PGE’s
18 position on these requests and also discussed the level of interest PGE has received from
19 customers for these options. Settlement discussions followed that resulted in the Stipulation
20 between these parties.

1 **II. Resolved Issues**

2 **Q. Does the Stipulation resolve all IDA issues?**

3 A. Yes. Exhibit 601 is a copy of the stipulation. This stipulation resolves all issues in this
4 docket regarding the IDA proposals.

5 **Q. What do the parties agree to regarding the midnight option proposal?**

6 A. PGE agrees to “propose, by December 31, 2012, in a tariff filing to the Public Utility
7 Commission of Oregon, a streetlight control option or options (generally referred to as a
8 “part-night option”) for unmetered street and area light fixture types.” The agreement further
9 states that the specific options to be proposed by PGE

10 will be determined in consultation with PGE's largest Schedule 91 customers regarding the
11 technology and functional requirements for controls, fixtures to control, the hours of control
12 and costs in order to achieve energy savings and reasonably minimize streetlight pricing and
13 administrative impacts associated with the “part-night rate” option.

14 So, PGE will by the end of 2012 propose a part-night option or options after input from
15 PGE’s largest customers that might seek to use the new option.
16

17 **Q. What is the resolution of IDA’s proposal regarding rates for 50 watt high pressure
18 sodium lamps?**

19 A. As part of this stipulation, the IDA also withdraws its request for the addition of rates for 50
20 watt high pressure sodium lamps.

21 **Q. What is your recommendation to the Commission regarding this Stipulation?**

22 A. We believe the proposed Stipulation represent appropriate and reasonable resolutions of the
23 issues raised by the IDA. The Stipulating Parties recommend and request that the
24 Commission approve the Stipulation as an appropriate resolution of the issues it addresses.

25 **Q. Does this complete your testimony?**

26 A. Yes.

List of Exhibits

<u>Exhibit</u>	<u>Description</u>
601	UE 215 Stipulation Regarding International Dark-Sky Association Issues

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 215

In the Matter of)
)
PORTLAND GENERAL ELECTRIC) **STIPULATION REGARDING**
COMPANY) **INTERNATIONAL DARK SKY**
) **ASSOCIATION ISSUES**
Request for a General Rate Revision)

This Stipulation (“Stipulation”) is between Portland General Electric Company (“PGE”), and the International Dark-Sky Association (“Dark-Sky”) (collectively, the “Stipulating Parties”).

On February 16, 2010, PGE filed this general rate case. Pursuant to the schedule adopted by the Commission, Leo Smith submitted testimony in this docket on behalf of Dark-Sky. That testimony proposed that PGE be required to adopt “midnight rates for streetlights” and include rates for 50 watt high pressure sodium lamps. On July 19, 2010, PGE filed rebuttal testimony that addressed the Dark-Sky proposals. PGE and Dark-Sky subsequently engaged in settlement discussions that resulted in a compromise settlement regarding the Dark-Sky proposals in this docket, as described below.

TERMS OF STIPULATION

- I. This Stipulation is entered to settle all issues raised by Dark-Sky in this docket.
- II. PGE will propose, by December 31, 2012, in a tariff filing to the Public Utility Commission of Oregon, a streetlight control option or options (generally referred to as a “part-night option”) for unmetered street and area light fixture types. The specific options to be offered by PGE will be determined in consultation with PGE's largest Schedule 91 customers

regarding the technology and functional requirements for controls, fixtures to control, the hours of control and costs in order to achieve energy savings and reasonably minimize streetlight pricing and administrative impacts associated with the “part-night rate” option.

III. Dark-Sky withdraws its proposal regarding rates for 50 watt high pressure sodium lamps.

IV. The Stipulating Parties recommend and request that the Commission approve this Stipulation as an appropriate and reasonable resolution of the Dark-Sky issues in this docket.

V. The Stipulating Parties agree that this Stipulation is in the public interest and will result in rates that are fair, just, and reasonable.

VI. The Stipulating Parties agree that this Stipulation represents a compromise in the positions of the Stipulating Parties. Without the written consent of all parties, evidence of conduct or statements, including but not limited to term sheets or other documents created solely for use in settlement conferences in this docket, are confidential and not admissible in the instant or any subsequent proceeding, unless independently discoverable or offered for other purposes allowed under ORS 40.190.

VII. If the Commission rejects all or any material part of this Stipulation, or adds any material condition to any final order which is not contemplated by this Stipulation, each Stipulating Party disadvantaged by such action shall have the rights provided in OAR 860-014-0085 and OAR 860-014-0095 including the right to withdraw from the stipulation and to seek reconsideration of the Commission’s order. Nothing in this paragraph provides any Stipulating Party the right to withdraw from this Stipulation as a result of the Commission’s resolution of issues that this Stipulation does not resolve.

VIII. This Stipulation will be offered into the record in this proceeding as evidence

pursuant to OAR § 860-14-0085. The Stipulating Parties agree to support this Stipulation throughout this proceeding and in any appeal, provide witnesses to sponsor this Stipulation at the hearing (if necessary), and recommend that the Commission issue an order adopting the settlements contained herein. The Stipulating Parties also agree to cooperate in drafting and submitting a joint brief or written testimony required by OAR § 860-14-0085(4).

IX. By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.

X. This Stipulation may be signed in any number of counterparts, each of which will be an original for all purposes, but all of which taken together will constitute one and the same agreement.

DATED this ^{1st} day of ^{September} ~~August~~ 2010.



PORTLAND GENERAL ELECTRIC
COMPANY

INTERNATIONAL DARK-SKY
ASSOCIATION

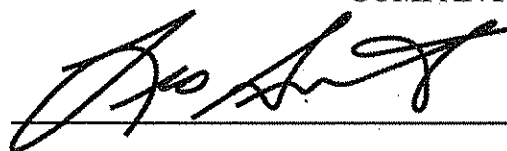
pursuant to OAR § 860-14-0085. The Stipulating Parties agree to support this Stipulation throughout this proceeding and in any appeal, provide witnesses to sponsor this Stipulation at the hearing (if necessary), and recommend that the Commission issue an order adopting the settlements contained herein. The Stipulating Parties also agree to cooperate in drafting and submitting a joint brief or written testimony required by OAR § 860-14-0085(4).

IX. By entering into this Stipulation, no Stipulating Party shall be deemed to have approved, admitted or consented to the facts, principles, methods or theories employed by any other Stipulating Party in arriving at the terms of this Stipulation, other than those specifically identified in the Stipulation. Except as provided in this Stipulation, no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.

X. This Stipulation may be signed in any number of counterparts, each of which will be an original for all purposes, but all of which taken together will constitute one and the same agreement.

DATED this 31st day of August 2010.

PORTLAND GENERAL ELECTRIC
COMPANY



LEO SMITH, BOARD OF DIRECTORS
INTERNATIONAL DARK-SKY
ASSOCIATION