

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 410

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Application Regarding Amortization of  
Boardman Deferral.

RULING

DISPOSITION: MOTION TO SUSPEND PROCEDURAL SCHEDULE GRANTED;  
DEADLINE FOR STATUS UPDATE ESTABLISHED

**I. INTRODUCTION**

On November 7, 2022, Portland General Electric Company filed a motion to suspend the remaining procedural schedule in this docket. PGE requests to instead file a status update no later than February 16, 2023, with information regarding 2022 earnings, settlement discussions, and any scheduling issues. On November 9, 2022, Staff of the Oregon Public Utility Commission, the Alliance of Western Energy Consumers, and the Oregon Citizens' Utility Board (Joint Parties) filed a response, opposing PGE's motion.

**II. POSITIONS OF THE PARTIES**

PGE argues that the dispute over the order of operations in performing the earnings review raised regarding the 2020 Boardman costs may also be an issue for 2022 Boardman costs. PGE explains that year-end 2022 financial results are not yet final, but anticipates being able to provide accurate 2022 earnings information by February 2023 based on the timing of the annual FERC Form-1 filing. PGE contends that suspending the procedural schedule until the 2022 financials are known will allow a more comprehensive review and more complete record of the order of operations issue, based on both 2020 and 2022.

PGE asserts that suspension of the schedule will promote efficiency, by avoiding the potentially duplicative effort of conducting hearings and briefings regarding both 2020 and 2022 deferrals. PGE also argues that no harm will result from any delay beyond the current February 6, 2023 target order date because any amounts subject to a possible refund will continue accruing interest at the pre-amortization rate until a final Commission order is issued.

The Joint Parties assert that PGE has failed to show good cause to suspend the procedural schedule. The Joint Parties dispute that delay is likely to facilitate settlement and argue that settlement will not likely be more achievable when the two years are considered together, particularly given the larger amount deferred in 2022. The Joint Parties also disagree that any administrative efficiency is obtained by staying the procedural schedule. They contend that the Commission determined in docket UE 394 to apply the earnings test on a calendar-year basis, and that PGE's earnings in 2022 are not pertinent to the 2020 analysis. The Joint Parties also argue that if issues related to the 2022 Boardman deferral are to be addressed in this docket, the parties will need to file additional testimony to address the application of the earnings test to the 2022 deferral. The Joint Parties assert that if the Commission proceeds with addressing the 2020 Boardman deferral under the existing schedule, an order resolving the issues regarding the earnings test would likely expedite future consideration of the 2022 deferral.

Finally, the Joint Parties dispute PGE's assertion that customers will not be harmed by the delay and argue that if the resolution of this docket is paired with the resolution of a future request to amortize the 2022 deferral, any Commission order authorizing amortization of the 2020 amounts would not be likely issued until late in 2023. They also argue that such a delay would be contrary to the Commission's establishment of the calendar-year earnings test approach established in docket UE 394.

### **III. RULING**

I agree with PGE that suspension of the procedural schedule will promote efficiency and allow for development of a more complete record for evaluating issues regarding application of the earnings test. Because the 2020 deferral balance will continue to accrue interest at the pre-amortization rate, customers will not be harmed by this limited delay. I find good cause to grant PGE's motion to suspend the procedural schedule. PGE is directed to file a status update no later than February 16, 2023. That status report should include a jointly proposed procedural schedule for resolving the 2020 and 2022 Boardman deferrals, developed in consultation with the other parties.

In granting this limited suspension of the schedule, I note that the Commission expects to resolve this docket, addressing both the 2020 and 2022 Boardman deferrals within the first half of 2023. Any procedural schedule proposed by the parties in resuming this docket in February should be consistent with that expectation. Additionally, with cancellation of the November 17, 2022 evidentiary hearing, while the procedural schedule is otherwise suspended, I anticipate issuing bench requests regarding the earnings test as applied to the 2020 Boardman costs.

Dated this 10<sup>th</sup> day of November, 2022, at Salem, Oregon.



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Alison Lackey  
Administrative Law Judge