

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 177, UE 178, UG 170 & UG 171

In the Matters of OREGON PUBLIC UTILITY)
 COMMISSION STAFF directing:)
)
 PACIFIC POWER & LIGHT, dba)
 PACIFICORP, (UE 177))
)
 PORTLAND GENERAL ELECTRIC)
 COMPANY, (UE 178))
)
 NORTHWEST NATURAL, (UG 170))
)
 and)
)
 AVISTA UTILITIES, (UG 171))
)
 To file tariffs establishing automatic adjustment)
 clauses under the terms of SB 408.)

RULING

**DISPOSITION: PETITIONS TO INTERVENE GRANTED;
MOTION TO ALLOW ELECTRONIC SERVICE DENIED**

On December 28, 2005, Ken Lewis and the Utility Reform Project (URP) jointly filed petitions to intervene. I find that Mr. Lewis and URP have sufficient interest in the proceedings and that their appearance and participation will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceedings. Accordingly, the petitions are granted. *See* OAR 860-012-0001.

On the same date, Mr. Lewis and URP filed a motion to establish electronic service of documents in these proceedings. The parties request a waiver of Commission rules to allow all parties the ability to satisfy service requirements under OAR 860-013-0070 by electronically mailing pleadings, on the same day as filing, to each party on the service lists. The Industrial Customers of Northwest Utilities filed a reply in support of the motion. Portland General Electric (PGE) and PacifiCorp filed replies in opposition.

PGE does not believe that electronic mail can be relied upon as the sole means of service and requests that the motion be denied. PGE notes that both the utility and Mr. Lewis and URP recently experienced problems with service of electronic documents in

two Commission dockets. In Docket UM 1226, Mr. Lewis and URP filed a motion requesting an extension of time to file a response to a motion filed by PGE, stating that counsel had “no record of receiving the electronic version” of the pleading.¹ Similarly, in Docket UM 1206, PGE did not receive email service of a document that Mr. Lewis and URP stated had been electronically served. PGE contends these instances demonstrate that electronic service should not be relied upon as the sole means of service. PacifiCorp joins PGE in requesting that the request be denied.

The Commission may waive the paper service requirement under OAR 860-011-0000 upon a showing of good cause. Here, Mr. Lewis and URP seek the waiver because electronic service has been allowed in other dockets and due to the probability that the service lists in these proceedings will be lengthy.

I acknowledge the prior use of electronic service in other Commission dockets. In all those cases, however, all the parties to the proceedings have agreed to waive paper service. This is contemplated by Commission rules, which allow parties to waive service of paper service, thus allowing other parties the ability to satisfy service requirements through electronic means. *See* OAR 860-013-0070(4).

I am reluctant to impose this waiver on parties who are opposed to the exclusive use of electronic service, particularly where past history has shown electronic mail to be an insufficient form of service. Accordingly, the motion for waiver of paper service is denied. This decision, however, does not preclude parties from waiving paper service under Commission rules. Any party waiving paper service will be designated as such on the service list for each case posted on the Commission’s eDockets webpage.

Dated at Salem, Oregon, this 13th day of January, 2006.

Michael Grant
Chief Administrative Law Judge

¹ *See* Complainants' Motion for Extension of Time to File Response to PGE Motion to Dismiss, Abate, or Make More Definite and Certain, UM 1226 (December 5, 2005).