

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Investigation into Treatment of Network  
Upgrade Costs for Qualifying Facilities.

NOTICE OF *EX PARTE*  
COMMUNICATION

On July 20, 2021, the Executive Director of the Public Utility Commission Michael Grant notified me, out of an abundance of caution, of a potential *ex parte* communication with Commissioners under OAR 860-001-0340(4).

The Executive Director discussed with PacifiCorp several issues in a general update. As part of this update, PacifiCorp described a petition at FERC related to the imposition of interconnection costs on qualifying facilities made by the Montana Public Service Commission. PacifiCorp communicated that it intended to file a response challenging FERC's jurisdiction over the petition. The Executive Director made the Commissioners aware of this information.

The Executive Director provided this information to Commissioners for the purpose of notifying them of the FERC matter and allowing the Chair to consider whether the PUC would be involved in the FERC petition—a decision delegated to the Chair under Order No. 21-213. Only later, the Executive Director learned that the assignment of interconnection costs is a contested issue in this pending docket, UM 2032, and communicated the potential *ex parte* contact to me.

OAR 860-001-0340(2)(a), defines *ex parte* communications as those “made by a person directly to a Commissioner or presiding ALJ outside the presence of any or all parties of record in pending contested case or declaratory ruling proceedings.” It may be that the information presented is subject to a process independent of this contested matter, (*i.e.*, the decision whether or not to participate in an independent FERC proceeding), but in order to ensure complete transparency among all parties as to the information that has been presented to the Commission, I am providing this notice to all parties that the Commissioners have been made aware of FERC petition EL21-86-000 and PacifiCorp's intention to argue that FERC does not have jurisdiction over the issues presented.

Accordingly, parties are hereby noticed.

Parties have the right to address this communication within 10 days of this notice, with service to all parties of record.

Dated this 23<sup>rd</sup> day of July, 2021, at Salem, Oregon.



---

Nolan Moser  
Chief Administrative Law Judge