BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

DR 10, UE 88, and UM 989

In the Matters of	)	
	)	
The Application of Portland General Electric	)	
Company for an Investigation into Least	)	
Cost Plan Plant Retirement, (DR 10)	)	
	)	
Revised Tariff Schedules for Electric	)	ORDER
Service in Oregon Filed by Portland	)	
General Electric Company, (UE 88)	)	
	)	
and	)	
	)	
Portland General Electric Company's	)	
Application for an Accounting Order and	)	
for Order Approving Tariff Sheets	)	
Implementing Rate Reduction. (UM 989)	)	

DISPOSITION: MOTION FOR EXTENSION OF DATE TO
COMPLY WITH ORDER NO. 08-487 GRANTED

On November 20, 2008, Portland General Electric Company (PGE) filed a motion for approval of the refund methodology to be used to implement our decision in Order No. 08-487. In that decision, we directed PGE to refund $33.1 million of Trojan nuclear generating facility costs to customers and established a methodology to provide that refund. PGE seeks approval of a modified refund methodology designed to "minimize the burdens placed on customers * * * and to simplify the claims process."[1] Because Order No. 08-487 established a December 1, 2008 deadline for customer notification of the refund, PGE also seeks expedited consideration of its request.

On November 26, 2008, the Utility Reform Project, et al. (collectively URP) and the Class Action Plaintiffs (the CAPs) filed a joint response in opposition to PGE's motion. Although URP and the CAPs address some aspects of PGE's motion, they primarily challenge the decisions underlying the refund adopted in Order No. 08-487. URP and the CAPs also state that they have appealed this Commission's decision and intend to ask the Court of Appeals to stay the order.

At this time, we address only URP's and the CAP's notice of intent to seek a stay of Order No. 08-487. Given the December 1, 2008 deadline to notify customers, we would have expected that any request for a stay would have been filed prior to that date. Nonetheless, given the intent of URP and the CAPs to seek a stay, we do not believe it is prudent for PGE to incur significant expenses to process the refund when the order requiring the refund may be stayed by the Court of Appeals.

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[1] PGE Motion for Approval of Refund Methodology at 6 (Nov. 20, 2008).

Accordingly, we treat PGE's request as a motion for an extension of time to comply with Order No. 08-487 pursuant to OAR 860-014-0093. We grant the motion, and suspend the requirements imposed on PGE by the refund methodology outlined in Order No. 08-487 for sixty days. This suspension will allow URP and the CAPs to file a request for a stay at the Court of Appeals and avoid possibly increasing costs of the refund to PGE and its customers.
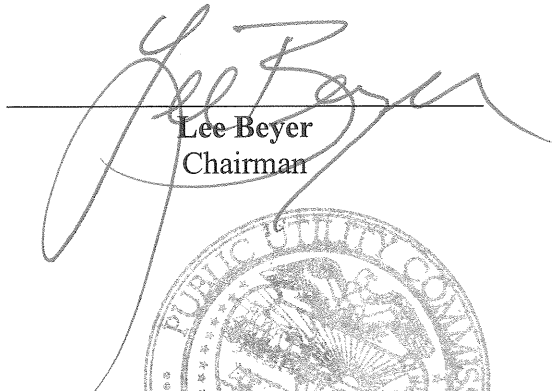
We note that this action does not prejudice URP or the CAPs because they intend to seek a stay of Order No. 08-487 pending a final disposition of the appeal. We anticipate that URP and the CAPs will file its request expeditiously to eliminate unnecessary delays in this proceeding.

If URP and the CAPs fail to file the request for a stay within 60 days or if the Court of Appeals denies the request, we will consider the substance of PGE's motion for approval of a refund methodology and URP's and the CAP's objections. If URP and the CAPs file the request for stay, but the Court of Appeals has not ruled within the 60-day deadline, we will extend the suspension pending the court's ruling on the request.

ORDER

IT IS ORDERED that the date to comply with Order No. 08-487 is extended for 60 days to allow the Utility Reform Project, et al., and the Class Action Plaintiffs to file a request for a stay at the Court of Appeals.

Made, entered, and effective ___DEC 0 1 2008___.

_____
Lee Beyer
Chairman

COMMISSIONER SAVAGE WAS
UNAVAILABLE FOR SIGNATURE
_____
John Savage
Commissioner

_____
Ray Baum
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by