

**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: SUSPENSION OF REFUND REQUIREMENTS IN
ORDER NO. 08-559 EXTENDED**

In Order No. 08-487, this Commission directed PGE to refund \$33.1 million of Trojan nuclear generating facility costs to customers and established a methodology to provide that refund. The order established a December 1, 2008 deadline for notifying customers about the refund. On November 20, 2008, Portland General Electric Company (PGE) filed a motion for approval of a modified refund methodology designed to “minimize the burdens placed on customers * * * and to simplify the claims process.”¹

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. In the response, URP and the CAPs stated that they have appealed this Commission’s decision and intended to ask the Court of Appeals to stay the order.

In Order No. 08-559, issued December 1, 2008, this Commission suspended the refund requirements imposed on PGE by Order No. 08-487 for sixty days. Given URP’s and the CAPs’ declared intention of requesting a stay of Order No. 08-487 from the Court of Appeals, we found it imprudent to require PGE to incur expenses to process the refund when the order requiring the refund may be stayed. We stated that we would extend the suspension if a request for a stay had been filed, but the Court of Appeals had not ruled on the request within the original sixty-day suspension period.

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

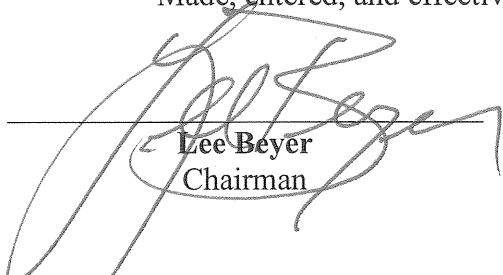
URP and the CAPs filed a motion for a stay at the Court of Appeals on January 24, 2009. The court has not yet ruled on the motion. We therefore extend the suspension period indefinitely pending the Court of Appeals decision on the motion for a stay. If the court grants the stay, no further action by this Commission will be necessary until the Court of Appeals decides the merits of the appeal. If the court denies the stay, we will consider the substance of PGE's request to modify the refund methodology and URP's and CAPs' objections to this request.

ORDER

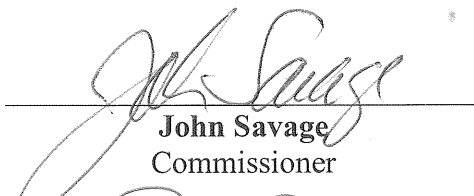
IT IS ORDERED that the requirements imposed on Portland General Electric Company by the refund methodology in Commission Order No. 08-487 are suspended pending the Court of Appeals' decision on the motion to stay Order No. 08-487 filed by the Utility Reform Project, et al., and the Class Action Plaintiffs.

Made, entered, and effective _____


FEB 02 2009



Lee Beyer
Chairman



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 OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.