

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN 6

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Petition for Certificate of Public
Convenience and Necessity.

ORDER

DISPOSITION: RULING AFFIRMED

I. BACKGROUND AND PROCEDURAL HISTORY

PGE filed a petition for a certificate of public convenience and necessity (CPCN) on April 17, 2024. Among other elements in the lengthy procedural history of the case, we held two public comment hearings in July 2024, received multiple rounds of written testimony between September and December 2024, and received opening briefs from parties on January 23, 2025.

On January 28, 2025, John Lekas filed a petition to intervene as a party in this proceeding. On January 28, 2025, Administrative Law Judge (ALJ) Sarah Spruce issued a ruling establishing a deadline of January 30, 2025, for parties to file objections to the petition, and a deadline of February 3, 2025, for parties to file responses to any objections. On January 29, 2025, Portland General Electric Company (PGE) filed a response requesting that ALJ Spruce direct Mr. Lekas to clarify whether he is intervening as an individual or as the president of Save Stafford Road (SSR), in light of SSR's prior engagement in the case.¹ On January 29, 2025, ALJ Spruce issued a ruling directing Mr. Lekas to clarify whether he was intervening as an individual resident or as the president of SSR by January 30, 2025, and extended the deadline for any responses to February 3, 2025, and the deadline for any responses to objections to February 5, 2025.

¹ Save Stafford Road (SSR) filed a petition to intervene on May 2, 2024, which was granted on May 14, 2024. SSR withdrew from intervenor status the case on October 10, 2024.

On January 31, 2025, PGE filed a letter requesting clarification on the deadlines to respond to the petition, because Mr. Lekas did not file his response by January 30, 2025. Additionally, intervenor Kelly Bartholomew filed an objection to Mr. Lekas's petition. On January 31, 2025, Mr. Lekas filed a letter in response to the ALJ ruling stating that he was intervening as a resident of Stafford Road and as president of SSR. On February 3, 2025, ALJ Spruce issued a ruling clarifying that the deadlines to object to the petition to intervene and to respond to any objections remained February 3 and February 5, 2025, respectively. On February 5, 2025, Mr. Lekas filed a response to the objections of PGE and Ms. Bartholomew that stated he was intervening on behalf of SSR, had concerns about the fire risks associated with lines and the lack of hydrants on Stafford Road, and alleging fraud related to PGE's waiver request that the Commission had granted.

On February 10, 2025, ALJ Spruce issued a ruling denying Mr. Lekas's petition to intervene for failure to address the need for SSR to demonstrate that its "appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceedings" and other concerns identified in Order No. 24-355² regarding SSR's previous participation in this docket. ALJ Spruce also found that Mr. Lekas had failed to provide persuasive evidence of good cause for requesting to intervene so late in the proceeding, to state what additional expertise he would provide the Commission, and to explain how he would provide such expertise in a way that would not burden the proceeding. On February 11, 2025, Mr. Lekas filed a letter contesting that he had failed to identify specific issues that would assist the commission, alleging fraud committed by PGE and its counsel related to the waiver of OAR 860-025-0030(3), and alleging a violation of ethics by ALJ Spruce. Mr. Lekas requested that the Commission suspend the procedural schedule to conduct an investigation into this alleged fraud.

II. RESOLUTION

Though Mr. Lekas did not specifically request certification of ALJ Spruce's ruling for the Commission's consideration under OAR 860-001-0110, we interpret his February 11, 2025 letter objecting to the ALJ's ruling to be the equivalent of requesting certification and review the ALJ's ruling accordingly. Under OAR 860-001-0300(6), an ALJ or the Commission must grant a petition to intervene if they find that "the petitioner has sufficient interest in the proceedings and the petitioner's appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceedings ***." After review, we do not find that ALJ Spruce made any error in denying Mr. Lekas's petition to intervene. We affirm the ruling.

² In Order No. 24-355, issued on October 22, 2024, the Commission struck SSR's opening testimony following its withdrawal from the docket, reasoning that the testimony could no longer be properly tested or developed through the contested case process.

As we stated in Order No. 24-355 regarding a motion to strike SSR's testimony after SSR had withdrawn from intervenor status in the case, intervening as a party in a contested case grants certain rights and requires acceptance of certain responsibilities. We identified deficiencies in SSR's testimony and the group's failure to respond to data requests before withdrawing from the case; we also noted that withdrawal meant that its testimony could no longer be tested through cross-examination.³ In Order No. 24-356, denying a request for Justice Funding on behalf of SSR, we stated that SSR would need to address the concerns identified in Order No. 24-355 in any future petition to intervene.⁴

Mr. Lekas's petition did not address these concerns. Additionally, in his response, Mr. Lekas did not respond to the concerns PGE raised that his participation, filed so late in the proceeding—not only after the conclusion of all scheduled testimony and evidentiary hearing dates, but after the first of two rounds of briefs had been filed—would not unreasonably burden or unreasonably delay the proceeding. At the time of his petition, the only remaining procedural deadlines were reply briefs and oral argument. We do not find that ALJ Spruce made any error in determining under OAR 860-001-0110 that Mr. Lekas's participation at this late state of the proceeding, whether on behalf of SSR or as an individual, would unreasonably burden or delay the proceedings. Thus, we affirm ALJ Spruce's February 10, 2025 ruling.

We further find that ALJ Spruce has conducted this proceeding in compliance with all relevant rules and standards, with professionalism and integrity, and by balancing fairness to all parties with appropriate concern for the unique challenges faced by participants not represented by counsel.

We further find no cause to stay the proceeding to investigate Mr. Lekas's claim of fraud by PGE related to its request for waiver of filing requirements set forth in OAR 860-025-0030(3). Ms. Bartholomew's testimony and public comments raised similar concerns with the waiver OAR 860-025-0030(3), as well as most of the other concerns Mr. Lekas cites. We will address these substantive issues in our final order.

³ Order No. 24-355 at 3-4 (Oct. 22, 2024).

⁴ Order No. 24-356 at 5 (Oct. 22, 2024)

III. ORDER

IT IS ORDERED that the February 10, 2025 ALJ ruling is affirmed.

Made, entered, and effective Mar 27 2025.

Megan W. Decker

Megan W. Decker
Chair

Letha Tawney

Letha Tawney
Commissioner

Les Perkins

Les Perkins
Commissioner

