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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 116

In the Matter of a Motion Relating to Rules )  
to Implement SB 1149 (AR 380). )

ORDER

**DISPOSITION: MOTION GRANTED WITH CONDITIONS**

*By Commissioners Hamilton And Smith; Chairman Eachus Dissenting.*

**Background**

On August 29, 2000, this Commission adopted rules to implement provisions of SB 1149 related to electric restructuring. These rules require the filing of certain documents by October 1 and November 1, 2000.

On September 14, 2000, PacifiCorp filed a Motion for Extension of Time under OAR 860-014-0093 asking for more time in which to make its filings. Specifically, it requested to make a three-part filing:

- 1) By October 2, file comprehensive tariff rules and supporting testimony. This filing would cover direct access, portfolio access, standard offer, ongoing valuation, default supply, labeling, ancillary services, metering, ESS certification, scheduling and balancing, ESS consumer protection and coordination of supplier changes and billing.
- 2) By November 1, file tariffs for general rate revisions and supporting testimony. This filing would include PacifiCorp's cost of service based on a 2001 test year, its cost of capital, and the cost unbundling information.
- 3) By December 1, file its resource plan as required by OAR 860-038-0080.

On September 15, 2000, the Commission informed PacifiCorp that the motion should be served on members of the general electric service list. The motion was served on September 15, 2000, and refiled with the Commission on September 18, 2000.

Interested persons were given five days (until September 25, 2000) to file a response to the motion.

On September 21, 2000, the Citizens' Utility Board (CUB) and the Industrial Customers of Northwest Utilities (ICNU) filed a joint response in opposition to the motion. On September 25, 2000, Staff filed a response, stating that it did not oppose the motion but asked the Commission to order PacifiCorp to abide by its proposed schedule, and to be required to respond to data requests within seven, rather than ten, working days. On September 27, 2000, PacifiCorp filed a reply to CUB's, ICNU's and Staff's responses, protesting the shortening of time for data request responses as being "premature and punitive." *PacifiCorp's Reply*, at 4.

### **Commission Disposition**

We agree with Staff, CUB and ICNU that PacifiCorp failed to provide a good reason for its delay. We also agree with Staff that PacifiCorp's delay may prejudice parties and will make it more difficult for Staff and other parties to complete their work.

It is neither productive to review the history of AR 380 to establish PacifiCorp's knowledge of filing dates, nor to question PacifiCorp as to its reasoning for not raising this issue at the time we adopted the SB 1149 rules in AR 380. What is important is for PacifiCorp to abide by our ruling in this matter.<sup>1</sup>

Therefore, we will order PacifiCorp to follow its proposed schedule. It must file its documents on the dates set forth in its motion. Further, PacifiCorp must bear the burden it created by the filing of documents a month later than initially required. We will grant Staff's request to reduce the time that PacifiCorp will have to respond to data requests. PacifiCorp must respond to data requests within seven working days. Failure to meet filing or data request deadlines will subject PacifiCorp to potential penalties under ORS 756.990.

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<sup>1</sup> Only two months we told PacifiCorp, in an order regarding its request for an extension of time after a missed deadline:

We take this opportunity, however, to state our disappointment in PacifiCorp's action. . . In the future, we anticipate that PacifiCorp will take all steps necessary to meet its regulatory obligations and contact the Commission in a more timely manner if difficulties arise. *In Re PacifiCorp*, Order No. 00-393 at 2.

**ORDER**

IT IS ORDERED that:

1. PacifiCorp must file comprehensive tariff rules and supporting testimony under the provisions of SB 1149 and AR 380 by October 2, 2000. This filing would cover, at a minimum, direct access, portfolio access, standard offer, ongoing valuation, default supply, labeling, ancillary services, metering, ESS certification, scheduling and balancing, ESS consumer protection and coordination of supplier changes and billing.
2. PacifiCorp must file tariffs for general rate revisions and supporting testimony under the provisions of SB 1149 and AR 380 by November 1, 2000. This filing would include PacifiCorp's cost of service based on a 2001 test year, its cost of capital, and the cost unbundling information.
3. PacifiCorp must file its resource plan by December 1, 2000.
4. PacifiCorp must respond to data requests within seven working days. This applies to filings in this docket and in any other dockets established for the filings required above.

Made, entered, and effective \_\_\_\_\_.

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**Roger Hamilton**  
Commissioner

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**Joan H. Smith**  
Commissioner

**Chairman Ron Eachus, dissenting:**

I do not agree with granting an extension of time.

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**Ron Eachus**  
Chairman

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 of 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. A party may appeal this order to a court pursuant to ORS 756.580.