

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

DR 10, UE 88, & 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  
Service in Oregon Filed by Portland  
General Electric Company (UE 88)

Portland General Electric Company's  
Application for an Accounting Order  
and for Order Approving Tariff Sheets  
Implementing Rate Reduction (UM 989)

ORDER

**DISPOSITION: MOTION FOR MODIFICATION OF INTEREST  
RATE DENIED**

On April 17, 2009, Portland General Electric Company (PGE) filed a motion to modify Order No. 08-847. In that decision, we ordered PGE to refund to customers \$15.4 million of Trojan Nuclear Plant costs, plus interest at an annual rate of 9.6 percent. Although the order is currently under review by the Court of Appeals, PGE requests the interest rate be reduced because the actions of other parties to these dockets have delayed the refund. PGE alleges that, with no modification of the interest rate, PGE will incur over \$1.6 million in additional interest due to the delay.

PGE has provided no legal authority to support the argument that the Commission may modify Order No. 08-847 without conducting further proceedings. PGE filed the motion pursuant to ORS 756.568, but fails to acknowledge that the statute permits modification of an order only after further contested case proceedings "as provided in ORS 756.500 to 756.610." These additional proceedings would likely result in numerous procedural and substantive challenges that might delay the issuance of customer refunds for an extended period of time. In addition, the decision may be appealed, which would result in multiple simultaneous appeals and fragmented litigation.

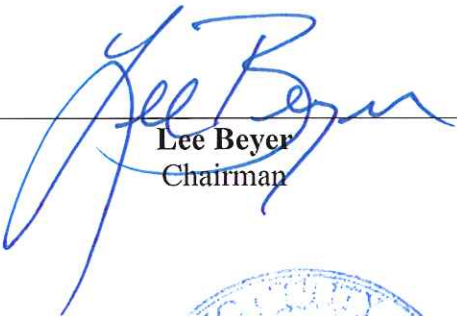
Moreover, PGE fails to acknowledge the general restrictions placed on an agency's ability to amend an order that has been appealed. Earlier in this docket, we noted that certain provisions of the Administrative Procedures Act require an agency to seek leave from the Court of Appeals to withdraw an order for reconsideration.<sup>1</sup> Although uncertainty exists whether these provisions apply to this Commission, we find no basis to withdraw the order for reconsideration to address PGE's motion, especially given the fact that the 9.6 percent interest rate was designed to compensate ratepayers for the time value of money, a factor PGE did not even mention in its motion.


To prevent the further delay of customer refunds and to help ensure a comprehensive resolution of all Trojan-related issues, we deny PGE's request to modify the interest rate and decline to otherwise modify Order No. 08-487.

**ORDER**

IT IS ORDERED that Portland General Electric Company's Motion for Modification of Interest Rate After Originally Ordered Refund Date is denied.

Made, entered, and effective                     MAY 15 2009                    .

  
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**Lee Beyer**  
Chairman

  
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**John Savage**  
Commissioner

  
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**Ray Baum**  
Commissioner



<sup>1</sup> See Order No. 09-093 at 3.