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October 29, 2020

VIA ELECTRONIC FILING

Attention: Filing Center
Public Utility Commission of Oregon
201 High Street SE, Suite 100
P.O. Box 1088
Salem, Oregon 97308-1088

Re: Docket UM 2032 – Investigation into the Treatment of Network Upgrade Costs for Qualifying Facilities

Attention Filing Center:

Attached for filing in the above-captioned docket is the Joint Utilities' Response Regarding their Revised Direct Testimony.

Please contact this office with any questions.

Sincerely,

Alisha Till
Paralegal

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into Treatment of Network
Upgrade Costs for QFs

**JOINT UTILITIES' RESPONSE
REGARDING REVISED DIRECT
TESTIMONY**

1 Idaho Power Company, PacifiCorp, dba Pacific Power, and Portland General Electric
2 Company (collectively, the Joint Utilities) provide this brief response to the Renewable Energy
3 Coalition, the Northwest and Intermountain Power Producers Coalition, and the Community
4 Renewable Energy Association's (collectively, Interconnection Customer Coalition) filing
5 regarding the Joint Utilities' Revised Direct Testimony. The Interconnection Customer
6 Coalition alleges that the Joint Utilities did not fully comply with the Administrative Law
7 Judge's (ALJ) Ruling striking portions of the Joint Utilities' Direct Testimony. The Joint
8 Utilities disagree.

9 As explained in the detailed cover letter that accompanied the Revised Direct Testimony,
10 the Joint Utilities either struck the testimony that the ALJ identified as impermissible, or revised
11 the testimony to comply with the principles articulated in the ALJ's Ruling. The Joint Utilities
12 also made limited revisions to the testimony so that the testimony would still make sense and
13 contain complete sentences after removal of the stricken portions. Each revision was made in a
14 good faith effort to comply with the Ruling, and the Joint Utilities provided redlines and
15 explanatory comments for ease of review by the ALJ and parties.

16 Notably, the Interconnection Customer Coalition does not actually contend that any
17 portion of the Revised Direct Testimony is inconsistent with the principles articulated in the
18 Ruling. Instead, the Interconnection Customer Coalition seems to claim that the Joint Utilities

19 were required to simply redact the portions of testimony that the ALJ struck and refile the
20 testimony—sentence fragments and all—without any changes.¹ No such requirement is
21 reflected in the ALJ’s Ruling.² Nor would such an approach be reasonable or helpful to
22 developing a clear and complete record in this docket. The Interconnection Customer Coalition
23 relies on the decision of the complainants in *Blue Marmot* to refile their testimony with the
24 stricken portions redacted.³ In that case, however, the resulting testimony was fragmented,
25 incomplete, and difficult to read.⁴ The Blue Marmots’ approach resulted in a confusing record
26 and should not be viewed as helpful precedent here.

27 Finally, the Joint Utilities strongly disagree that the Interconnection Customer Coalition
28 has been prejudiced by the Revised Direct Testimony filing.⁵ The Revised Direct Testimony
29 does not raise any new issues that were not present in the original Direct Testimony, filed more
30 than two months ago on August 24, 2020. The Interconnection Customer Coalition has had the
31 Revised Direct Testimony since October 19, 2020, and the Joint Utilities agreed to the
32 Interconnection Customer Coalition’s request for an extension of time until October 30 to file
33 Response Testimony.⁶ Also, the Joint Utilities provided thorough explanations of their changes
34 in the cover letter and redlined document accompanying the Revised Direct Testimony.

35 For all of these reasons, the Joint Utilities respectfully request that the ALJ accept their
36 Revised Direct Testimony and confirm that it is consistent with the Ruling partially granting the
37 Motion to Strike.

¹ See Northwest and Intermountain Power Producers Coalition, Renewable Energy Coalition, and Community Renewable Energy Association’s Response to Joint Utilities’ Stricken Testimony at 4 and App’x A (Oct. 27, 2020) (hereinafter, “Response”).

² ALJ Ruling Granting in Part and Denying in Part Motion to Strike at 12 (Oct. 7, 2020).

³ Response at 2-3.

⁴ *Blue Marmot v. Portland Gen. Elec. Co.*, Docket UM 1829, Revised Opening Testimony (Dec. 20, 2017).

⁵ Response at 2.

⁶ See NIPPC, Coalition, and CREA’s Joint Motion for Extension of Time (Oct. 16, 2020).

DATED: October 29, 2020.

McDOWELL RACKNER GIBSON PC



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