

169 FERC ¶ 61,266
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

December 31, 2019

In Reply Refer To:
Portland General Electric Company
Docket No. EL19-95-000

Troutman Sanders LLP
401 9th Street, NW Suite 1000
Washington, DC 20004

Attention: Amie V. Colby, Esq.

Dear Ms. Colby:

1. On September 6, 2019, Portland General Electric Company (Portland General) filed a petition for a declaratory order seeking to reclassify certain 57 kV and 115 kV facilities from distribution to transmission (September 6 Petition).
2. Notice of the filing was published in the *Federal Register*, 84 Fed. Reg. 49,519-20 (2019), with interventions or protests due on or before October 7, 2019. The Public Utilities Commission of Oregon (Oregon Commission) filed a notice of intervention. The Alliance of Western Energy Consumers (Alliance) filed a motion to intervene and protest. Avangrid Renewables, LLC (Avangrid) filed a motion to intervene out of time. Both Alliance and the Oregon Commission asked that the Commission hold the case in abeyance, pending the outcome of a parallel proceeding before the Oregon Commission, involving the same questions of law and fact. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), the Oregon Commission's notice of intervention and Alliance's timely, unopposed motion to intervene, serve to make them parties to this proceeding. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d), we grant Avangrid's late-filed motion to intervene given its interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.
3. On November 22, 2019, Portland General filed a motion to supplement its petition, to include the Oregon Commission's decision in Docket No. UM 2031, where the Oregon Commission granted Portland General's requested reclassification of a subset of the facilities, specifically the 115 kV facilities, identified in the September 6 Petition, along with supporting documentation. Portland General asks that the Commission defer

to the Oregon Commission's findings, consistent with Order No. 888,¹ and approve the reclassification of the same 115 kV facilities.

4. On November 25, 2019, Alliance filed a notice of withdrawal of its motion to intervene, protest and motion to hold the proceeding in abeyance, stating that it reached agreement with Portland General on the 115 kV facilities at issue in the state proceeding, and that the Oregon Commission has approved the agreement.

5. We hereby grant Portland General's request that, on the facts presented here, the 115 kV facilities, identified in Attachment C to its motion to supplement as the list of assets that the Oregon Commission has approved for reclassification, are Commission-jurisdictional transmission facilities.

6. Our action in this proceeding only resolves the identification of the facilities used in providing jurisdictional transmission service. It does not dictate transmission pricing.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

¹ *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036, at 31,783-84 & n.548 (1996) (cross-referenced at 75 FERC ¶ 61,080) (the Commission will defer to state regulatory determinations concerning where to draw the jurisdictional line between transmission and local distribution facilities, provided that the state determination is based on the Commission's Seven Factor Test), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).