

March 5, 2025

The Honorable Janeen Sollman
Chair, Senate Committee on Energy & Environment
900 Court St. NE
Salem, Oregon 97301

RE: Senate Bill 88—Opposition

Chair Sollman and distinguished members of the committee,

Pacific Power is an investor-owned utility that provides safe and reliable electric service to more than 620,000 customers across Oregon, primarily in rural parts of the state. Pacific Power is part of PacifiCorp, which serves 2 million customers in six western states.

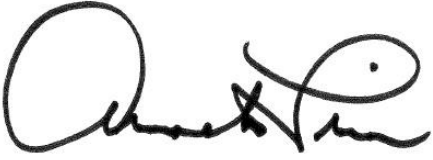
Pacific Power respectfully submits written testimony in opposition to Senate Bill 88:

- The Oregon Public Utility Commission (OPUC) should retain the discretion to determine what amount, or what categories, of costs and expenses should be included in utility rates. These are fact-specific issues that are dependent on the circumstances of each case.
- Section 2(7). This limits utility due process rights allowed under federal and state constitutions. The provision would prevent PacifiCorp from recovering expenses to overturn unconstitutional, illegal, or factually unsupported governmental actions. For example, should Oregon courts reverse the OPUC's decision to deny PacifiCorp's rate recovery of costs incurred from the Washington Climate Commitment Act, we would still be prohibited from recovering expenses incurred from pursuing this lawsuit. Said another way: even if an Oregon legislative or agency action were unconstitutional, unlawful, or factually unsupported, utilities would still be prohibited from recovering costs associated with challenging these actions.
- Section 2(9). We believe the OPUC should retain the discretion to determine what types of penalties or fines should be included in rates as these are very fact-specific and situation-dependent decisions.
- Section 5. This section as written is confusing and contradicts other OPUC authorities. It is unclear how the Commission could have the power to approve expenses. That decision is presumed lawful, and yet a utility would nonetheless be liable for an administrative penalty based on a Commission-approved decision.

PacifiCorp believes in a transparent process; however, the company cannot support legislation limiting due process, and adequate access to the judicial system, or that has conflicting standards. For this reason, we respectfully oppose SB 88.

If questions, please contact: Elizabeth Howe (503) 910-3270 or Shawn Miller (503) 551-7738.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Price". The signature is fluid and cursive, with a large initial "A" and a distinct "P" at the end.

Annette Price

Cc: Senate Committee on Energy & Environment