

May 4, 2023

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Filing Center
P.O. Box 1088
201 High Street S.E., Suite 100
Salem, OR 97308-1088

Re: Docket No. PCN 5 – In the Matter of Idaho Power Company’s Petition for Certificate of Public Convenience and Necessity.

Dear Judge Mellgren:

On May 4, 2023, the intervenors filed a motion requesting an extension of the deadline for filing Opening Briefs (“Intervenors’ Motion”).¹ The intervenors stated a concern that, because Your Honor anticipates issuing an evidentiary ruling on objections one week after parties filed their objections on May 2, parties will have only two days to draft their Opening Briefs following your ruling.² The intervenors state that two days is not sufficient time to draft their briefs and request an unspecified extension.³ Because the intervenors did not confer with Idaho Power Company (“Idaho Power” or the “Company”) before filing their motion,⁴ Idaho Power provides this response to inform Your Honor of the Company’s position on their request. Idaho Power asks that Your Honor reject the Intervenors’ Motion, or in the alternative, make only a modest adjustment to the schedule to allow intervenors more time between the issuance of Your Honor’s Ruling on the Objections and the filing of the Opening Briefs, but without jeopardizing the target June 30, 2023 date for the Final Order.

1. The Intervenors Have Not Established Good Cause for an Extension.

As Idaho Power has repeatedly indicated in this proceeding, achieving the target Final Order date of June 30, 2023 for the Company’s Petition for a Certificate of Public Convenience and Necessity is critical to the Company’s ability to begin construction activities this year.⁵ To ensure that the Public Utility Commission of Oregon (“Commission”) has sufficient time to review

¹ Docket PCN 5, Intervenors’ Motion for an extension to filing opening briefs based on projected time frame for setting the Evidentiary Record at 1 (May 4, 2023).

² *Id.*

³ *Id.*

⁴ OAR 860-001-0420(2).

⁵ See, e.g., Docket PCN 5, Idaho Power Company’s Response to the 12-19-2022 Memorandum at 2 (Jan. 6, 2023) (“[T]he target date for the final order had to be moved out another two weeks, to June 30, 2023. At this point, the target final order date simply cannot slip any further.”).

parties' briefing and issue a final order by June 30, the parties must continue to abide by the briefing schedule that Your Honor previously adopted.

Moreover, the intervenors have not identified good cause for an extension. The intervenors suggest that two days would not be sufficient time to draft their Opening Briefs, but parties have had weeks to prepare their briefs following the hearing on April 19-20, 2023. Intervenors assert that they cannot prepare their briefs until the evidentiary record is "known," but most of the evidence offered into the record will be admitted without objection. Idaho Power objected only to documents that were improperly offered—such as untimely testimony filed weeks after the deadline or cross-examination exhibits that were never, in fact, raised in cross-examination.⁶ Contrary to the intervenors' assertion that they would have only two days to prepare their briefs, in actuality those two days provide sufficient time to *revise* their briefs to rely on only properly admitted evidence, consistent with Your Honor's forthcoming Ruling on Objections.

2. *Alternative Proposal for Schedule Modifications.*

Although Idaho Power does not believe the intervenors have identified good cause for an extension, if Your Honor nonetheless determines that intervenors may require additional time to revise their briefs in response to your Ruling on Objections, Idaho Power would suggest that any extension should be modest to avoid disturbing the June 30, 2023 date for the Commission's Final Order. Instead, Idaho Power offers the following alternative proposal for modifications to the schedule, which would advance the expected date of the Ruling on Objections forward by one day and then delay the filing date for Opening Briefs by one day—thereby allowing parties four days to make any necessary revisions to their briefs. Idaho Power believes that this modification balances intervenors' concerns regarding settling the evidentiary record and Idaho Power's concerns for a timely final order.

Event	Original Date	Revised Date
ALJ Ruling on Objection	May 9, 2023	May 8, 2023
Opening Briefs	May 11, 2023	May 12, 2023
Reply Briefs	May 25, 2023	May 26, 2023
Final Order	June 30, 2023	June 30, 2023

Thank you,



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⁶ See *generally* Idaho Power's Objections to Parties' Testimony and Exhibits (May 2, 2023).

DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2023 Idaho Power Company's Letter re Response to Motion to Extend Opening Briefs Deadline was served by USPS First Class Mail and Copy Center to said person(s) at his or her last-known address(es) as indicated below:

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DATED: May 4, 2023

/s/ Alisha Till

Alisha Till
Paralegal