

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**Docket No. UM 1811**

In the Matter of	)	RESPONSE OF CHARGEPOINT,
Portland General Electric's Application for	)	INC. TO SIEMENS' MOTION TO
Transportation Electrification Programs	)	PARTICIPATE IN HEARING
	)	BY TELEPHONE

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ChargePoint, Inc. (ChargePoint) hereby files this response to the Motion to Participate in Hearing by Telephone filed by eMeter, a Siemens' Company (Siemens), on October 4, 2017.

ChargePoint opposes Siemens' request that its witness in this proceeding, Mr. Chris King, be allowed to participate in the hearing scheduled for October 10 by telephone, and recommends that the Commission deny the Motion.

ChargePoint requested 30 minutes of cross-examination time for Mr. King, and Administrative Law Judge (ALJ) Harper scheduled 30 minutes for ChargePoint to cross-examine Mr. King in her Notice of Hearing and Memorandum issued on October 4, 2017. ChargePoint is intending to use this allotted time to cross examine Mr. King at the hearing.

While ChargePoint is sympathetic to Mr. King's competing professional obligations, the October 10 hearing date in this proceeding has been set since ALJ Harper's procedural ruling that was issued on August 15, 2017. Siemens knew, or should have known, that there would be a hearing in this proceeding on October 10 when it filed its Petition to Intervene on August 30, 2017. Siemens knew, or should have known, that there would be a hearing in this proceeding on October 10 when it filed Mr. King's Reply Testimony on September 19, 2017. Siemens knew, or should

have known, that Mr. King's Reply Testimony would be subject to cross-examination from other parties and questions from the ALJ and the Commissioners at the hearing on October 10.

ChargePoint would be unduly prejudiced if its counsel were required to cross examine Mr. King via telephone. Requiring ChargePoint to cross examine Mr. King via telephone would contravene one of the purposes of cross examination, which is to explore a witness' personal knowledge and credibility regarding the subject matter of his testimony. If Mr. King were to be cross examined via telephone, the ALJ and the Commissioners may be handicapped in their ability to evaluate Mr. King's responses to cross examination questions. Further, the ALJ and the Commissioners would have no assurance that Mr. King was speaking based solely on his own personal knowledge, as they would if Mr. King were present in the hearing room.

ChargePoint does not wish to delay or reschedule the hearing in this proceeding based on Mr. King's availability, and is not requesting that the Commission reschedule the hearing. Rather, ChargePoint respectfully requests that the Commission either require Mr. King to appear at the October 10 hearing in person or, in the alternative, require Siemens to withdraw Mr. King's testimony if he is unable to appear in person.

Respectfully submitted this 4<sup>th</sup> day of October, 2017,

BY: /s/ Scott F. Dunbar  
Scott F. Dunbar  
Keyes & Fox LLP  
1580 Lincoln St., Suite 880  
Denver, CO 80203  
Phone: 720-216-1184  
Mobile: 949-525-6016  
[sdunbar@kfwlaw.com](mailto:sdunbar@kfwlaw.com)

Counsel for ChargePoint, Inc.