

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN 5

In the Matter of

IDAHO POWER COMPANY,

Petition for Certificate of Public
Convenience and Necessity.

MEMORANDUM

On March 23, 2023, I held a public informational session for participants in this docket. During that session, I promised to provide a link to the recording of the session. That link is below:

[Recording](#)

Additionally, there were questions in the session regarding the rules of evidence that the Commission applies in contested cases.

Our applicable rules of evidence are found at [OAR 860-001-0450](#) and state that:

- (1) Relevant evidence:
 - (a) Means evidence tending to make the existence of any fact at issue in the proceedings more or less probable than it would be without the evidence;
 - (b) Is admissible if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs; and
 - (c) May be excluded if the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay.
- (2) A party objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered.
- (3) When an objection is made to the admissibility of evidence, the Commission or ALJ may have the evidence presented and reserve ruling until a later time.
- (4) When a party takes exception to a ruling excluding certain evidence, the Commission or ALJ may require that the party make an offer of proof by stating what the evidence would indicate if received. Alternatively, the Commission or ALJ may permit the excluded evidence to be received like other evidence, but it must be marked and designated as evidence offered, excluded, and to which exception has been taken.

Decisions by an Administrative Law Judge (ALJ) on other evidentiary questions are informed by the Oregon rules of evidence, designated in statute as the evidence code. Under our rules, the ALJ is delegated the authority to address and rule upon evidentiary questions.

Dated this 27th day of March, 2023, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge