

**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 October 17, 2022, I issued a prehearing conference memorandum establishing a schedule in this matter. For several reasons, some of the dates included in that schedule would not work for one or more parties. On October 20, 2022, I issued a memorandum providing the parties with two options for a revised schedule and asked the parties to provide their preferences to me after attempting to come to an agreement on a schedule for this matter. On October 26, 2022, the Parties provided their respective positions.

After considering the Parties' positions and conferring with the Commission, I establish and adopt the below amended procedural schedule. All explanatory notes contained in the October 17, 2022, prehearing conference memorandum remain in effect.

On October 18, 2022, Idaho Power Company filed a request for clarification regarding a discovery-related deadline. The schedule is clarified below.

Event	Date
Public Comment Hearing – In-Person, Gilbert Event Center, Eastern Oregon University, La Grande, Oregon	November 16, 2022, 6:00-8:00 p.m.
Staff and Intervenors' Deadline for Topics for Initial IPC-Led Workshop	November 22, 2022
Public Comment Hearing – Remote via Zoom Video Conference	December 5, 2022, 6:00-7:00 p.m. ¹
Initial IPC-led Workshop	December 8, 2022
Scoping Workshop for Parties to Identify Issues of Concern That They Expect to Raise in Testimony	December 15, 2022

¹ Although the remote Public Comment Hearing is scheduled for one hour, individuals arriving by 7:00 p.m. will be allowed to present their comments.

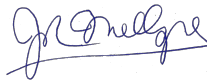
Requested deadline to file Petitions to Intervene ²	December 16, 2022, 3:00 p.m.
Staff and Intervenor Opening Testimony	January 17, 2023, 3:00 p.m.
Idaho Power Reply Testimony ³	February 21, 2023, 3:00 p.m.
Staff and Intervenors' Cross-Answering and Rebuttal Testimony	March 13, 2023, 3:00 p.m.
Idaho Power Surrebuttal Testimony	March 31, 2023, 3:00 p.m.
Witness List, Cross-Exam Statements, and Exhibits	April 10, 2023, 3:00 p.m.
Evidentiary Hearing – Hybrid In-Person/Remote; TENTATIVE In-Person Component at OPUC Office, Salem, Oregon	April 19-20, 2023, 9:30 a.m.-4:30 p.m.
All Party Opening Briefs	May 11, 2023, 3:00 p.m.
All Party Reply Briefs	May 25, 2023, 3:00 p.m.
Target Date for Commission Decision	June 30, 2023

Please note all times listed above are Pacific Standard Time.

The parties should review the attached Notice of Contested Case Rights and Procedures.

All filings submitted in this proceeding are due by 3:00 p.m. to provide adequate processing time for the Filing Center. Filings submitted after 3:00 p.m. will be considered filed on the following business day.

Dated this 28th day of October, 2022, at Salem, Oregon.



John Mellgren
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² By statute, a person may petition to intervene at any time before the close of the record. *See* ORS 756.525, though interventions are requested as early as possible, and the schedule may not be changed to accommodate late interventions. I request that the parties include any prospective intervenor in the workshops even if the petition to intervene has not yet been ruled upon. Any intervenor is subject to reasonable conditions on their participation in these proceedings. *See* OAR 860-001-0300(6).

³ Following the filing of Idaho Power's Reply Testimony on February 21, 2023, the turnaround for discovery responses will be shortened to five business days (best efforts). Prior to that date, the turnaround for discovery requests is 14 calendar days under OAR 860-001-0540(1).

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at <https://www.oregon.gov/puc/Pages/default.aspx>. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Notice to Active Duty Servicemembers: Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Notice of Contested Case Rights and Procedures continued

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.