

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 246 & UE 233

In the Matter of

PACIFICORP, dba PACIFIC POWER
Request for a General Rate Revision.

(UE 246)

and

IDAHO POWER COMPANY
Request for General Rate Revision.

(UE 233)

PREHEARING CONFERENCE
MEMORANDUM

**DISPOSITION: REVISED SCHEDULE ADOPTED; REQUEST TO STAGGER
SCHEDULE DENIED; PETITION TO INTERVENE GRANTED**

On May 24, 2012, the Public Utility Commission of Oregon (Commission) held a telephone prehearing conference in these dockets. The purpose of the conference was to discuss a revised procedural schedule. Representatives appeared on behalf of Commission Staff, Renewable Northwest Project, Industrial Customers of Northwest Utilities (ICNU), Citizens' Utility Board, (CUB), Sierra Club, PacifiCorp (dba Pacific Power), Idaho Power Company, Portland General Electric, and Klamath Water and Power Agency.

Procedural Schedule

At the conference, I reviewed the status of UE 233 and UE 246. The Commission will adopt the same procedural schedule in both dockets, but will review and consider each docket separately. To ensure that the Commission has a comprehensive understanding of the parties' positions before the hearing, I am adding two dates to the schedule in both dockets. First, parties will file prehearing briefs summarizing their legal arguments and the factual bases for those arguments. Parties' briefs will include lists of all exhibits they have filed and copies of any exhibits they intend to file at the hearing. One week later, parties will file lists of any objections they intend to raise to other parties' exhibits.

The Commissioners will attend the first day of the hearings. To accommodate the Commissioners' schedules, the hearings are rescheduled for October 2-3, 2012. The hearing for each utility will be conducted separately. The Commissioner Examination scheduled for July 30, 2012, is cancelled.

I adopt the following procedural schedule in both dockets:

Settlement Conferences ¹	May 30-31, 2012
Staff and Intervenor Testimony	June 18, 2012
Settlement Conferences	June 27-28, 2012
Idaho Power and Pacific Power Reply Testimony	July 17, 2012
Staff and Intervenor Rebuttal Testimony	August 13, 2012
Idaho Power and Pacific Power Surrebuttal Testimony	September 5, 2012
All Parties file Prehearing Briefs	September 19, 2012
All Parties file Objections	September 26, 2012
Hearing	October 2-3, 2012
Opening Briefs	October 25, 2012
Closing Briefs	November 7, 2012
Oral Argument	November 30, 2012
Commission Decision	December 20, 2012

Request for Staggered Briefing

CUB requests that the Commission stagger the testimony and briefing dates so that parties have one week between filing due dates for UE 233 and UE 246. CUB notes that parties currently have a number of resource-intensive matters before the Commission, and that filing two complex sets of testimony or briefs on the same day risks causing filing and confidentiality errors. Staff opposes the request to stagger due dates, noting schedules are currently very tight for all parties, and that since the dockets have overlapping issues, seeing a party's testimony on an issue in one docket would provide an advantage in preparing testimony and briefs in the other docket.

CUB is correct that filing testimony in two dockets is challenging. However, this proceeding is unusual in that one of the dockets has only one issue to be resolved, and that issue overlaps with the issues in the other docket. Given the narrow scope of issues in UE 233, I find that staggering the schedule is not necessary.

Motion to Strike Testimony

On May 22, 2012, I conditionally granted CUB's and OICIP's motion to strike a portion of the rebuttal testimony of Idaho Power witness John Carstensen, because Idaho Power did not include as an exhibit an unredacted version of Pacific Power's 2011 Integrated Resource Plan Update Appendix A. On May 24, 2011, Idaho Power filed a confidential unredacted version of the relevant exhibit, to be added to the record in UE 233. As a result, I deny CUB's and OICIP's motion to strike Mr. Carstensen's testimony.

¹ Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule settlement conferences.

Petition to Intervene Granted

NW Energy Coalition (NWEC) filed a petition to intervene in UE 233 on May 15, 2012. The period to contest the petition has passed and no objections were received. I find that NWEC has sufficient interest in the proceedings to participate and their appearance and participation will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceedings. *See* OAR 860-001-0300. The petition to intervene in UE 233 is granted.

Dated this 30th of May, 2012, at Salem, Oregon.



Shani Pines
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures.

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 this proceeding 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 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, 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 in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ 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 to 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 to 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(1)(b). 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. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). 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 ALJ's 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. 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. See ORS 756.610.