

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 374

In the Matter of
PACIFICORP, dba PACIFIC POWER,
Request for a General Rate Revision.

RULING

DISPOSITION: EXPEDITED MOTION FOR EXTENSION GRANTED WITH
MODIFICATION

I. INTRODUCTION

On March 3, 2020, the Public Utility Commission of Oregon conducted a prehearing conference in this docket. On March 6, 2020, I adopted the procedural schedule proposed by the parties, with minor modifications to the briefing schedule and target order date. On March 31, 2020, PacifiCorp filed a motion to expand the scope of this proceeding to include a determination of the depreciation rates for PacifiCorp's coal-fired resources and allow PacifiCorp to supplement its filing with certain materials previously submitted in docket UM 1968, PacifiCorp's pending depreciation rate proceeding. PacifiCorp's motion was granted by ruling date April 2, 2020. On May 28, 2020, PacifiCorp filed its supplemental direct testimony, exhibits, and studies regarding depreciation rates for coal-fired resources (supplemental filing). PacifiCorp indicated that except to renumber the exhibits to coincide with the exhibit numbering in this docket, the materials in its supplemental filing are unchanged from those filed in docket UM 1968.

II. SIERRA CLUB'S MOTION

On May 29, 2020, Sierra Club filed a motion seeking an extension of the deadline for Staff and intervenors to file opening testimony and exhibits from Thursday June 4, 2020, to Wednesday, June 10, 2020. Sierra Club states that it plans to submit testimony on depreciation rates for PacifiCorp's coal-fired resources, and contends that a one week extension is needed to permit their experts to fully synthesize the materials in PacifiCorp's May 28, 2020 supplemental filing prior to filing their own testimony.

Sierra Club requests expedited consideration of its motion and indicates that it contacted the parties to this proceeding regarding the motion. Sierra Club represents that Oregon Citizens' Utility Board (CUB) supports the motion. Calpine Energy Solutions, LLC, ChargePoint, Inc., Fred Meyer Stores, Inc., Klamath Water User Association, Small Business Utility Advocates, Staff, Tesla, Vitesse, LLC, and Walmart do not oppose the motion and Alliance of Western Energy Consumers has not communicated a position regarding the motion.

III. PACIFICORP'S OPPOSITION

On June 1, 2020, PacifiCorp filed an opposition to Sierra Club's motion. PacifiCorp disputes Sierra Club's asserted need for an extension and contends that the extension would disrupt the procedural schedule in a manner prejudicial to the company by reducing PacifiCorp's time to file its reply testimony.

PacifiCorp asserts that Sierra Club is using the supplement filing as a pretext for a general extension of time, as Sierra Club had not intervened in docket UM 1968, did not oppose the motion to transfer the issues from docket UM 1968, did not request that PacifiCorp provide its supplemental filing in this docket in advance of intervenor opening testimony, and did not previously claim that its access to these documents was limited. Additionally, PacifiCorp argues that the issues "transferred from docket UM 1968 were already raised in this case" and that Sierra Club's testimony on these issues "should have been timely prepared based on the existing record in docket UE 374." Finally, PacifiCorp asserts that as a signatory to the stipulation in support of the 2020 Protocol, Sierra Club is bound to support the 2020 Protocol here, and that this is inconsistent with Sierra Club's position in its motion that it needs more time to contest PacifiCorp's proposals on depreciation and decommissioning.

PacifiCorp asserts that Sierra Club's motion should be denied, or in the alternative, PacifiCorp requests that the extension be limited to testimony from Sierra Club and CUB directly related to depreciation and decommissioning issues with PacifiCorp receiving a similar extension of six days to file its reply testimony on these issues.

IV. RULING

I find PacifiCorp's arguments unpersuasive, particularly those that suggest another party must request or seek from elsewhere the materials that PacifiCorp requested to incorporate in this proceeding in order to obtain access in a timely manner. PacifiCorp did not provide its supplemental filing in this docket until eight weeks after its motion was granted, and one week before the deadline for Staff and intervenor opening testimony. PacifiCorp states that because these materials were identified in its motion, and were available in docket UM 1968, that it viewed the supplemental filing as "a non-time sensitive, pro forma compliance filing." However, materials filed subject to the protective order in docket UM 1968 are not fully accessible to parties to this proceeding who are not also parties to that docket, such as Sierra Club. It is the filing of properly numbered testimony and exhibits in this docket that enables the other parties to this proceeding who are signatories to the protective order to access materials under the protective order in this docket, as well as to appropriately reference the supplemental filing in their own testimony.

I have reviewed Sierra Club's motion in light of the existing procedural schedule in this proceeding, which requires PacifiCorp to file reply testimony on June 25, 2020, as well as the timing of PacifiCorp's supplemental filing in this docket. Due to the proximity of the filing of PacifiCorp's supplemental exhibits in this docket relative to the deadline for Staff and intervenor opening testimony, I find good cause to grant the one week extension to June 10, 2020 with respect to Sierra Club and CUB's opening testimony and exhibits addressing the supplemental filing. Opening testimony and exhibits from other intervenors, as well as Sierra Club and CUB's opening testimony and exhibits addressing any other issues remains subject to the June 4, 2020 deadline.

PacifiCorp requested an extension of its deadline to file reply testimony commensurate to any extension granted regarding intervenor opening testimony. Without adequate time for responses from the other parties regarding PacifiCorp's request, I decline to grant that extension at this time. PacifiCorp indicates that Staff anticipates requesting a modification to the procedural schedule to address the timing required for the independent evaluator to complete review of the decommissioning studies. As recognized by PacifiCorp in its opposition, there is little room for flexibility in the remaining procedural schedule for this proceeding. This is particularly true regarding the scheduled dates for evidentiary hearings and oral argument. I request that the

parties confer regarding any additional modifications to the procedural schedule and address any proposed changes in the near term.

The procedural schedule for this proceeding as amended by this ruling is set forth below.

Event	Date
Staff and Intervenor Opening Testimony	June 4, 2020
Sierra Club and CUB Opening Testimony on Supplemental Filing	June 10, 2020
Settlement Conference	June 18-19, 2020 ¹
Company Reply Testimony	June 25, 2020 ²
Settlement Conference	July 14-15, 2020
Staff and Intervenor Rebuttal Testimony	July 24, 2020
Company Surrebuttal Testimony	August 14, 2020
Pre-Hearing Briefs, Cross-Examination Statements, and Exhibits (all parties)	August 31, 2020
Hearing	September 9-10, 2020
Company Opening Brief	September 28, 2020
Staff and Intervenor Opening Briefs	October 12, 2020
Company Closing Brief ³	October 19, 2020
Oral Argument	November 3, 2020
Commission Order (target)	December 16, 2020
Rates Effective	January 1, 2021

Dated this 2nd day of June, 2020 at Salem, Oregon.



Alison Lackey
Administrative Law Judge

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

² After Company Reply Testimony is filed on June 25, 2020, parties will make best efforts to provide responses to discovery requests within seven calendar days.

³ Staff and Intervenor may file briefs on the same date, limited to rebuttal of issues raised in the opening briefs of parties other than the company.