

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 374

In the Matter of

PACIFICORP, dba PACIFIC POWER

Request for a General Rate Revision.

PREHEARING CONFERENCE  
MEMORANDUM

On March 3, 2020, the Public Utility Commission of Oregon conducted a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff, Alliance of Western Energy Consumers, Calpine Energy Solutions, LLC, Fred Meyer Stores, Inc., Oregon Citizens' Utility Board, PacifiCorp dba Pacific Power, Sierra Club, and Small Business Utility Advocates.

The parties proposed a procedural schedule, which is adopted with minor modifications to the briefing schedule and target order date as follows:

<b>Event</b>	<b>Date</b>
Open House <sup>1</sup> and Public Comment Hearing, Medford	April 2, 2020
Open House and Public Comment Hearing, Portland	April 13, 2020
Staff Workshop	April 17, 2020
Proposed Budgets for Intervenor Funding	April 27, 2020
Staff and Intervenor Opening Testimony	June 4, 2020
Settlement Conference	June 18-19, 2020 <sup>2</sup>
Company Reply Testimony	June 25, 2020 <sup>3</sup>
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

<sup>1</sup> The Open House is an informal opportunity for members of the public to learn more about the Commission's processes and the issues to be decided in this case. Any party may participate in the Open House.

<sup>2</sup> 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.

<sup>3</sup> 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.

Staff and Intervenor Opening Briefs	October 12, 2020
Company Closing Brief <sup>4</sup>	October 19, 2020
Oral Argument	November 3, 2020
Commission Order (target)	December 16, 2020
Rates Effective	January 1, 2021

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.<sup>5</sup>

Dated this 6<sup>th</sup> day of March, 2020, at Salem, Oregon.

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Alison Lackey  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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<sup>4</sup> 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.

<sup>5</sup> See UTCR 3.170, OAR 860-001-0320.

## 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 [www.puc.state.or.us](http://www.puc.state.or.us). 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.