

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 416

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request for a General Rate Revision; and
2024 Annual Power Cost Update.

MEMORANDUM REVISING
PROCEDURAL SCHEDULE

In an update filed August 11, 2023, Portland General Electric Company indicated that it intended to submit the four outstanding partial settlement agreements and supporting testimony no later than August 23, 2023. Under the current schedule for the annual power cost update, cross examination statements are due today, the evidentiary hearing is scheduled for August 17, 2023, motions to admit are due August 22, 2023, and the briefing schedule begins August 28, 2023. I have revised the procedural schedule to accommodate the anticipated timing of the settlement agreements as addressed below.

To ensure efficient use of Commission resources, I do not anticipate conducting an evidentiary hearing until after the partial settlements related to the annual power cost update are filed. It is premature to conduct an evidentiary hearing before determining whether the Commission requires a hearing or further process on the settlement agreements related to the annual power cost update. Thus, the evidentiary hearing scheduled for August 17, 2023, is canceled. The deadline for cross examination statements remains unchanged. The deadline for motions to admit relative to the annual power cost update is now August 23, 2023.

To the extent that a party requests a hearing on the annual power cost update, that hearing will be rescheduled after all settlement agreements related to the annual power cost update have been filed. Parties should be prepared for additional adjustments to all subsequent milestones in the procedural schedule for the annual power cost update based on the rescheduled hearing date.

The procedural schedule is revised as set forth below. Any filings submitted in this proceeding are due by 3:00 p.m. in order 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.

<u>Annual Power Cost Update</u>	
<u>Event</u>	<u>Date</u>
Cross-Examination Statements, Exhibits	August 14, 2023
Outstanding Settlement Agreements ¹ and Motions to Admit	August 23, 2023
Evidentiary Hearing	TBD
Company Opening Brief	August 28, 2023
Staff and Intervenor Reply Briefs	September 11, 2023
Company Rebuttal Brief	September 21, 2023
MONET update	October 2, 2023
Commission Order (target)	October 30, 2023
November MONET Update	November 7, 2023
Final MONET Update	November 15, 2023

¹ This refers to the four partial settlement agreements identified to date.

<u>General Rate Revision</u>	
<u>Event</u>	<u>Date</u>
Staff and Intervenor Rebuttal Testimony	August 22, 2023 ²
Company Surrebuttal Testimony	September 11, 2023
Issues Lists and Position Statements (all parties)	September 15, 2023
Commission/ALJ Issues List	September 18, 2023
Cross-examination statements, exhibits	September 20, 2023
Evidentiary Hearing and Opening Statements (hybrid format) ³	September 26, 2023, reserving September 27-29 if needed
Motions to Admit	September 28, 2023
Opening Briefs (all parties), deadline to request oral argument	October 9, 2023
Staff and Intervenor Closing Briefs	October 16, 2023
Company Closing Brief	October 24, 2023
Oral Argument (if requested) (hybrid format) ⁴	October 31, 2023 (p.m.)
Commission Order (target)	December 18, 2023
Rates Effective	January 1, 2024

Dated this 14th day of August, 2023, at Salem, Oregon.



Alison Lackey
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² The parties included a settlement conference subsequent to the filing of Staff and Intervenor testimony, with a settlement status update to be filed seven calendar days later, with exact dates to be determined.

³ Non-attorney party representatives may provide opening statements but may not present legal argument.

⁴ Oral argument is limited to attorney representatives, but witnesses should be available for Commission questions.

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.