

MEMORANDUM

**VIA E-MAIL & U.S. MAIL**

To: The Current Parties in Dockets DR 10, UE 88 and UM 989

From: ALJ Traci Kirkpatrick

Date: April 1, 2004

Re: DR 10, UE 88 and UM 989 – Status of Participation

Please be advised that in two separate actions, the above referenced dockets have been remanded by the Marion County Circuit Court to the Public Utility Commission of Oregon for further proceedings. Such proceedings are underway with a consolidated procedural conference having been held on March 31, 2004.

In order to ensure that the service lists for these dockets are current, each existing party to one or more of the dockets is requested to advise the Commission by April 12, 2004, of its planned participation in the proceedings on a going-forward basis. All parties that filed an appearance at the procedural conference will be considered active participants and need not do anything further. Other parties are requested to call or send an electronic mail by 5:00 p.m. on April 12, 2004, to my assistant, Carol Hulse, indicating their planned future status—e.g., active party, interested person or non-participant. A consolidated service list will subsequently be compiled for the three dockets on a going forward basis. Ms. Hulse may be contacted at 503-378-3885, or [Carol.Hulse@state.or.us](mailto:Carol.Hulse@state.or.us).

Parties are advised that only parties to a proceeding have the right of appeal pursuant to ORS 756.580 and ORS 756.610. Consequently, a current party to any of the dockets will need to retain its status as a party in order to maintain appeal rights in any new Commission action.

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

DR 10, UE 88, UM 989

In the Matters of	)	
	)	
The Application of Portland General Electric	)	
Company for an Investigation into Least Cost	)	
Plan Plant Retirement,	(DR 10)	)
	)	
Revised Tariffs Schedules for Electric	)	CONSOLIDATED PROCEDURAL
Service in Oregon Filed by Portland General	)	CONFERENCE
Electric Company,	(UE 88)	)
	)	MEMORANDUM
Portland General Electric Company's	)	
Application for an Accounting Order and for	)	
Order Approving Tariff Sheets Implementing	)	
Rate Reduction.	(UM 989)	)

On March 31, 2004, a consolidated procedural conference was held in Salem, Oregon. The purpose of the procedural conference was to determine the nature and scope of proceedings necessary to comply with separate orders from the Marion County Circuit Court remanding the three dockets referenced above.

Appearances were entered as follows: Stephanie Andrus, attorney, appeared on behalf of the Commission Staff; Michael Morgan, attorney, appeared on behalf of Portland General Electric Company (PGE); David Aamodt also appeared on behalf of PGE; Dan Meek, attorney, appeared on behalf of the Utility Reform Project (URP) and other parties previously represented in the dockets; Linda Williams, attorney, appeared on behalf of parties not yet intervened in any of the proceedings.

In connection with her appearance, Ms. Williams distributed an original and five copies of a petition to intervene, on behalf of three PGE customers, Kafoury Bros., LLC, Frank Gearhart and Patricia Morgan, for filing with the Public Utility Commission of Oregon (Commission), and a copy to each party present. Procedural conference participants agreed to address the petition to intervene in simultaneously submitted opening and reply memorandums pursuant to the partial procedural schedule adopted below. Participants' recommendation for addressing the petition to intervene is adopted and I will not rule on the petition to intervene until after submission of all comments. Ms. Williams should serve a copy of the petition to intervene on existing parties to any of the three dockets not present at the procedural conference.

The procedural conference participants agreed to proceed under all three dockets, treating them in a consolidated manner with regard to filings, hearings, etc., except as otherwise specifically agreed in order to deal with issues particular to one docket. To ensure that the service lists are current, participants requested that I send a separate notice to all parties on the service list of one or more of the three dockets. The notice would request that each party indicate by a specified time whether the party desired to continue as an active party to one or more of the dockets, or whether the party instead desired to discontinue participation or be designated as an interested person. A preference was expressed that appeal rights be retained regardless of the future status of a current party. Pursuant to ORS 756.580 and ORS 756.610, only parties to a proceeding have the right of appeal. Consequently, a current party to any of the dockets will need to retain its status as a party in order to maintain appeal rights to any new Commission action. I will send a notice advising parties of their options and requesting that each current party indicate the nature of its planned participation in the proceedings on a going-forward basis.

The participants also agreed to work towards establishing an electronic mail service protocol for use in these proceedings. The protocol will provide for serving filings upon parties but not the Commission, as OAR 860-013-0060 requires an original and five copies to be filed with the Commission of any pleading or other submission in a docket. URP indicated that it is currently drafting an electronic mail service protocol for another docket and that it will submit to parties in these proceedings for their review.

I adopt the following partial procedural schedule developed by the procedural conference participants:

Parties simultaneously submit opening memorandums	April 16, 2004
Parties simultaneously submit reply memorandums	April 23, 2004
Consolidated prehearing conference	April 27, 2004, at 4:00 p.m.

The dates for filing are considered “in hand” dates.

In addition to addressing the petition to intervene, the opening and reply memorandums shall discuss the following two issues: 1) issues to be addressed in the proceedings; and 2) the nature of and schedule for subsequent procedural steps.

Finally, I refer the parties to the Administrative Hearings Procedures for contested case proceedings, located at [www.puc.state.or.us](http://www.puc.state.or.us) under the heading “Commission Overview.”

Dated this 1st day of April, 2004, at Salem, Oregon.

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Traci A. G. Kirkpatrick  
Administrative Law Judge

