

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 366

In the Matter of

AVISTA CORPORATION, dba AVISTA
UTILITIES,

Request for a General Rate Revision.

RULING

DISPOSITION: PROCEDURAL SCHEDULE ADOPTED

On April 26, 2019, the Public Utility Commission of Oregon held a prehearing conference in the above-captioned docket by telephone. Representatives participated on behalf of Avista Corporation, dba Avista Utilities (Avista); Staff of the Public Utility Commission of Oregon (Staff); the Oregon Citizens' Utility Board (CUB); and the Alliance of Western Energy Consumers (AWEC).

Procedural Schedule

The participants proposed a procedural schedule. I indicated a need to confer with the Commissioners before adopting a final schedule. After consulting with the Commissioners, and with additional discussion among the parties, a new procedural schedule is proposed. I adopt it, as follows:

EVENT	DATE/TIME
Deadline to file proposed Budgets for Intervenor Funding	May 28, 2019
Settlement Conference ¹	June 11, 2019
Staff and Intervenors file Opening Testimony	July 16, 2019
Settlement Conference	July 23, 2019
Workshop with Commissioners	July 30, 2019 at 1:30 p.m.
Avista files Reply Testimony	August 7, 2019
Settlement Conference	August 20, 2019
Staff and Intervenors file Rebuttal Testimony	September 4, 2019
Avista files Surrebuttal Testimony	September 24, 2019
Hearing	October 3, 2019 at 9:30 a.m.
Avista files Opening Brief	October 15, 2019
Staff and Intervenors file Reply Briefs	October 29, 2019

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.

Avista files Final Brief	November 7, 2019
Oral Argument (if requested)	November 14, 2019 at 9:30 a.m.
Target date for Commission Decision	December 23, 2019
Effective date	January 15, 2020

The parties also agreed to the following response times to data requests: standard response to data requests of 14 days; and after Staff and Intervenors file testimony on July 16, 2019, an accelerated response time of 5 business days.

We note that by statute, a person may petition to intervene at any time before the close of the record.² But because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

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*.³

Dated this 2nd day of May, 2019, at Salem, Oregon.



Traci Kirkpatrick
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² See ORS 756.525.

³ 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. 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.