

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1129

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	PREHEARING CONFERENCE
OREGON)	MEMORANDUM
)	
Staff's Investigation Relating to Electric)	
Utility Purchases From Qualifying Facilities.)	

On August 17, 2004, a prehearing conference was held in Salem, Oregon. The primary purpose of the prehearing conference was to establish a procedural schedule to address: 1) issues related to filings made by the electric companies in compliance with Order No. 05-584 (Phase I Compliance Issues); and 2) issues identified in Order No. 05-584 as requiring further evidentiary development in a second phase of the above captioned docket (Phase II Issues).

Identification of the Parties

Appearances were entered as follows: Michael Weirich appeared on behalf of Commission Staff; Sarah Adams Lien appeared on behalf of PacifiCorp; Doug Tingey appeared on behalf of Portland General Electric Company (PGE); Lisa Rackner and Bart Kline appeared on behalf of Idaho Power Company; Irion Sanger appeared on behalf of the Industrial Customers of Northwest Utilities (ICNU); Alan Meyer appeared on behalf of Weyerhaeuser Company; Carel C. Dewinkel appeared on behalf of the Oregon Department of Energy; Toni Roush appeared on behalf of Roush Hydro Inc.; Loyd Fery appeared on behalf of himself; Doug Pagar appeared on behalf of Canyon Creek Hydro; and Steve Sanders appeared on behalf of Minikahda Hydropower Company. Peter J. Richardson participated by telephone on behalf J. R. Simplot Company; Paul Woodin participated by telephone on behalf of Sherman County; Linda Williams participated by telephone on behalf of the Fair Rate Coalition; John Krumberger participated by telephone on behalf of Douglas County Forest Products; and Troy Gagliano participated by telephone on behalf of the Northwest Renewable Project.

The petition to intervene out of time of Douglas County Forest Products was addressed and granted.

Procedural Schedule

The parties reached consensus on a procedure and timeline for proceeding with both the Phase I Compliance Issues and the Phase II Issues. Parties' proposed schedule has three separate tracks. The first track addresses a legal issue about whether the compliance filings, which were allowed to go into effect by the Commission in Order No. 05-899, are subject to refund.¹ The second track addresses Phase I Compliance Issues, as they shall be defined later in this docket. The third track addresses Phase II Issues, as they shall also be defined later in this docket.

I adopted the parties' proposed schedule, as follows:

Track I – Briefing of Legal Issue	
Deadline for petitions to intervene	August 26, 2005
Parties disputing that compliance filings may be subject to refund may file opening briefs	September 2, 2005
Parties distribute proposed issues lists to other parties ²	September 12, 2005
Responsive Briefs due	September 21, 2005
Reply Briefs due	September 26, 2005
Informational Workshop ³	Morning of October 3, 2005 (Details TBD)
Prehearing conference	October 3, 2005, at 1:30 to 3:30 p.m.
Track II – Phase I Compliance Issues	
Parties distribute settlement proposals ⁴	October 12, 2005
Settlement Workshops ⁵	November 1, 2005 (Additional dates for workshops TBD)
Parties objecting to any term(s) of any compliance filing may file direct testimony	November 30, 2005
Rebuttal testimony due	January 11, 2006
Hearing	February 2, 2006 (Details TBD, including determination of whether additional hearing days needed)
Track III – Phase II Issues	
Parties distribute settlement proposals ⁶	November 10, 2005

¹ In Order No. 05-899, the Commission allowed compliance filings (described in Appendix A of the Order) "to go into effect, with the clarification that the utilities may be required to provide a refund following the investigation requested by Staff." The Commission specified that "the question as to whether these filings are subject to refund would be separately addressed at the outset of the investigation."

² Parties should not file issues lists with the Commission and may agree to modify the due date to file issues lists without the consent of the Administrative Law Judge (ALJ) or the Commission.

³ Parties may agree to modify the workshop date without the consent of the ALJ or the Commission.

⁴ Parties should not file settlement proposals with the Commission and may agree to modify the due date to file issues lists without the consent of the ALJ or the Commission.

⁵ Parties may modify the workshop date and schedule additional workshop dates without the consent of the ALJ or the Commission.

Settlement Workshops ⁷	November 21, 2005 (Additional dates for workshops TBD)
Simultaneous direct testimony due	January 24, 2006
Rebuttal testimony due	February 21, 2006
Hearing	March 15, 2006 (Details TBD, including determination of whether additional hearing days needed)
Briefs	Dates TBD at hearing

The dates for filing are considered “in hand” dates. Additional prehearing conferences may need to be scheduled as the proceedings progress in order to address issues that arise or details about the hearings.

Other Procedural Matters

Pursuant to OAR 860-013-0070(4), parties agree to submit letters to the Commission that outline any waiver of service requirements.

Finally, I refer the parties to the Administrative Hearings Procedures for contested case proceedings, located at **www.puc.state.or.us** under the heading “Commission Overview.”

Dated this 23rd day of August, 2005, at Salem, Oregon.

Traci A. G. Kirkpatrick
Administrative Law Judge

⁶ Parties should not file settlement proposals with the Commission and may agree to modify the due date to file issues lists without the consent of the ALJ or the Commission.

⁷ Parties may modify the workshop date and schedule additional workshop dates without the consent of the ALJ or the Commission.