

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1129

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

**DISPOSITION: FAIR RATE COALITION'S EMERGENCY MOTION
GRANTED; SCHEDULE MODIFIED**

Today, on September 16, 2004, the Fair Rate Coalition (FRC) filed an emergency motion in this proceeding for partial relief from the scheduling order.¹ The motion requests that the docket's procedural schedule be modified to allow the utilities to file supplemental rebuttal testimony in order to respond, as necessary, to late responses to data requests served on FRC.

FRC indicates that it has not yet responded to data requests served by PacifiCorp in August, 2004. FRC represents that the delayed response is due to health issues experienced by counsel for FRC, lack of access to electronic copies of the data requests by FRC's counsel, and the possible misplacement of hard copies of the data requests.

FRC offers to respond to the data requests on or before September 22, 2004, serving copies of these data responses on all parties. Additionally, in recognition that utilities must file rebuttal testimony tomorrow, on September 17, 2004, FRC requests a supplemental filing date for rebuttal testimony by utilities that would allow the utilities to respond to FRC testimony after review of FRC's data request responses. FRC represents that two utilities, PacifiCorp and PGE, do not object to this proposal.

¹ On September 16, 2004, a faxed copy of FRC's motion was received. Pursuant to OAR 860-011-0025, a faxed copy of a document is accepted for filing if the original, signed document with proof of service is deposited in the mail to the Public Utility Commission of Oregon (Commission) the same day. For purposes of this ruling, it is assumed that an original, signed document with proof of service was mailed to the Commission today.

For purposes of this ruling, FRC's motion is treated as a motion to modify the procedural schedule. Based on the emergency nature of the motion, the representation that the health of counsel for FRC has contributed to delayed responses to PacifiCorp's data requests, and the lack of any objection by two of the three potentially affected utilities to the proposal, I grant FRC's motion. FRC may file responses to data requests, serving all parties on or before September 22, 2004, and the date, September 30, 2004, shall be added to the procedural schedule in this docket to permit supplemental rebuttal testimony by the utilities. A utility may indicate, in its rebuttal testimony submitted on September 17, 2004, that it intends to respond to FRC testimony in supplemental rebuttal testimony. Such supplemental rebuttal testimony shall be due on September 30, 2004, and shall be restricted in scope, replying only to the testimony and data request responses of FRC. No other changes to the procedural schedule are made in this docket.

Dated this 16th day of September, 2004, at Salem, Oregon.

Traci A. G. Kirkpatrick
Administrative Law Judge