

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 256

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY

2011 Annual Power Cost Variance  
Mechanism

PREHEARING CONFERENCE  
MEMORANDUM

On August 8, 2012, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of the Commission Staff; Portland General Electric Company; the Industrial Customers of Northwest Utilities (ICNU); and the Citizens' Utility Board of Oregon.

**Petitions to Intervene**

Before the conference, petitions to intervene were filed by ICNU and PacifiCorp, dba Pacific Power. No party attending the conference objected to the petitions. Upon review of the petitions, I find that ICNU and Pacific Power have sufficient interest in the proceedings to participate and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.<sup>1</sup> The petitions to intervene are therefore granted. In addition, CUB filed a notice of intervention on July 17, 2012 in compliance with ORS 774.180.

**Procedural Schedule**

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
Deadline for Petitions to Intervene	August 17, 2012
Workshop/Settlement Conference <sup>2</sup>	August 30, 2012
Intervenor Budget Deadline	September 7, 2012
Staff and Intervenors Testimony	September 27, 2012
PGE Rebuttal Testimony	October 15, 2012
Hearing	November 1, 2012
Simultaneous Opening Briefs	November 13, 2012

<sup>1</sup> See OAR 860-001-0300.


<sup>2</sup> 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.

Simultaneous Reply Briefs	November 20, 2012
Commission Order (target date)	December 21, 2012

The schedule includes a requested date for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.<sup>3</sup> 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.<sup>4</sup>

Dated this 8th day of August, 2012, at Salem, Oregon.

  
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Patrick Power  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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<sup>3</sup> See ORS 756.525.

<sup>4</sup> 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 this proceeding 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 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at [www.puc.state.or.us](http://www.puc.state.or.us). The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to this hearing, 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 in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ 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 to 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 to 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(1)(b). 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. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

**Record:** The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). 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 ALJ's 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. *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. *See* ORS 756.610.