

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 400

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2023 Transition Adjustment Mechanism.

PREHEARING CONFERENCE
MEMORANDUM

On March 28, 2022, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of PacifiCorp, dba Pacific Power; Oregon Citizens' Utility Board (CUB); Alliance of Western Energy Consumers (AWEC); Calpine Energy Solutions, LLC (Calpine Solutions); Sierra Club; and Staff of the Public Utility Commission of Oregon.

Petitions to Intervene

Calpine Solutions and AWEC have filed petitions to intervene which have been granted. Sierra Club, Northwest and Intermountain Power Producers Coalition (NIPPC), Klamath Water Users Association (KWUA) and Oregon Farm Bureau Federation (OFBF) filed petitions to intervene in this docket. No party attending the conference objected to the petitions. I find that Sierra Club, NIPPC, KWUA and OFBF 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.¹ The petitions to intervene are therefore granted. In addition, CUB filed its notice of intervention as allowed under ORS 774.180.

Pro Hac Vice

March 18, 2022, Sierra Club filed a motion to allow Rose Monahan to appear as counsel *pro hac vice* in this proceeding. The statement of Rose Monahan accompanied the motion. Rose Monahan states that she will associate with Joshua Smith, an active member in good standing with the Oregon State Bar.

I have reviewed the motion for admission *pro hac vice* and find that it complies with the requirements of UTCR 3.170 and OAR 860-001-0320. No objections have been received.

¹ See OAR 860-001-0300(6).

The motion to admit Rose Monahan as counsel *pro hac vice* on behalf of Sierra Club is granted for a one-year period. For cases continuing over one year, an attorney appearing *pro hac vice* must file a new application to continue to participate in the case.²

Procedural Schedule

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

EVENT	DATE ³
Staff and Intervenor Opening Testimony	May 25, 2022
Settlement Conference ⁴	June 6, 2022
Settlement Status Update	June 20, 2022
PacifiCorp Reply Testimony	June 22, 2022
Settlement Conference	June 30, 2022
Settlement Status Update	July 14, 2022
Staff and Intervenor Rebuttal Testimony	July 20, 2022
PacifiCorp Surrebuttal Testimony	August 4, 2022
All Parties Cross-Examination Statements	August 11, 2022
All Parties Cross-Examination Exhibits	August 11, 2002
Hearing	August 16, 2022
All Parties Opening Briefs	September 6, 2022
All Parties Closing Briefs	September 20, 2022
Order Target date	October 18, 2022

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*.⁵

Dated this 28th day of March, 2022, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² See UTCR 3.170(5); OAR 860-001-0320(3).

³ As stated in the scheduling memorandum issued on March 14, 2022, the filing deadline for all dates in this procedural schedule is 3:00 p.m. on the date of the event.

⁴ 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.

⁵ 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 <https://www.oregon.gov/puc/Pages/default.aspx>. 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.