

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 284

In the Matter of

AVISTA CORPORATION, DBA
AVISTA UTILITIES,

Request for a General Rate Revision.

PREHEARING CONFERENCE
MEMORANDUM

On September 24, 2014, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Avista Corporation, dba Avista Utilities; Commission Staff; the Citizens' Utility Board of Oregon (CUB); and the Northwest Industrial Gas Users (NWIGU).

Petitions to Intervene

Before the conference, a petition to intervene was filed by NWIGU. No party attending the conference objected to the petition. Upon review of the petition, I find that NWIGU has sufficient interest in the proceedings to participate and that its participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ The petition to intervene is therefore granted. In addition, CUB filed a notice of intervention on September 4, 2014 in compliance with ORS 774.180.

Procedural Schedule

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

EVENT	DATE
Settlement Conference ²	December 15, 2014
Staff & Intervenor Settlement Package	January 6, 2015
Settlement Conference	January 13, 2015
Staff & Intervenors file Opening Testimony	January 23, 2015
Settlement Conferences	January 30, 2015 February 3, 2015
Avista files Reply Testimony	February 17, 2015
Staff and Intervenors file Responsive Testimony	March 9, 2015
Avista files Surrebuttal Testimony	March 30, 2015

¹ See OAR 860-001-0300.

² Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule settlement conferences.

Simultaneous Pre-Hearing Briefs	April 8, 2015
Cross-examination Statements & Exhibit Lists due	April 10, 2015
Commission Examination and Hearing (tentative) ³	April 15-16, 2015
Simultaneous Reply Briefs	April 29, 2015
Closing Oral Arguments (tentative)	May 4, 2015
Target Date for Commission Decision	June 19, 2015
Company Files Compliance Tariffs	June 26, 2015
Effective Date	July 3, 2015

After January 6, 2015, the parties agreed to a seven business day data response turnaround and after February 17, 2015 a five business day turnaround.

At the conference, I noted the possibility that parties may reach a settlement that includes a provision for the new rates to go into effect earlier than the date contemplated in the adopted schedule. If the parties do reach such an agreement, I directed the parties to include in their settlement a provision that quantifies the value to the company of the earlier rate increase effective date.

I also asked Avista questions about statements in the testimony of Avista witness Morris where he states that the company is requesting an overall increase in billing rates of 9.8%⁴ and reports that “based on an average usage level of 47 therms per month, the average residential bill would increase \$5.78 per month, or 10.3%, from \$55.97 to \$61.75.”⁵ I inquired of the company whether its residential bill comparison includes an imputed gas cost, and if so, how much is the gas cost and why was that value used. If the bill comparison does use an imputed gas cost, I further asked the company to report the amount of the average residential bill increase without the gas cost included.⁶

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.⁷

Dated this 24th day of September, 2014, at Salem, Oregon.



Patrick Power
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

³ Tentative as to Commissioner availability.

⁴ Avista/100, Morris/ 6

⁵ *Id* at 7.

⁶ Avista will provide this information in the form of correspondence to the ALJ with copies to the parties.

⁷ 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.

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.

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.