

ISSUED: September 30, 2004

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1121

In the Matter of)	
)	
OREGON ELECTRIC UTILITY COMPANY,)	STATUS CONFERENCE
LLC, <i>et al.</i> ,)	REPORT
)	
Application for Authorization to Acquire)	
Portland General Electric Company.)	

DISPOSITION: CROSS-EXAMINATION STATEMENTS DUE;
MANDATORY ATTENDANCE AT NEXT STATUS
CONFERENCE.

A status conference was held in Salem, Oregon on September 28, 2004. Appearances were entered by Oregon Electric Utility Company, LLC, *et al.* (Applicants), Portland General Electric, Enron Corporation, Bonneville Power Administration, Industrial Customers of Northwest Utilities, Staff of the Public Utility Commission of Oregon (Staff), City of Portland, Strategic Energy, LLC, Associated Oregon Industries, Renewable Northwest Project, Citizens' Utility Board of Oregon, Community Action Directors of Oregon and Oregon Energy Coordinators Association.

Parties' Update

The parties stated that they had agreed to hold a settlement conference on October 4, 2004, which would be in addition to the previously scheduled October 14, 2004, settlement conference. Subsequent to the status conference, the parties tentatively scheduled an additional settlement conference for October 13, 2004. Staff will be issuing notices for these three conferences.

Administrative Law Judges' Update

October 22, 2004, has been reserved as an additional hearing date, in case the hearings are not completed by October 21.

Cross-examination statements are due by 5:00 pm on October 12, 2004. These statements are to include the names of the witnesses to be cross-examined, general subject matter of the cross-examination, and the estimated time needed to complete cross-examination. **Failure to timely submit a cross-examination statement will result in a waiver of a party's ability to cross-examine witnesses.** Further, if a party knows that it

intends to cross-examine a specific witness, particularly an out-of-state witness, please notify the attorney representing the witness so that travel arrangements can be made.

Testimony was filed on July 22, 2004, by the "Public Interest Parties," some of whom also filed individual testimony. While the testimony is not being stricken, the "Public Interest Parties" need to propose a method of introducing its testimony into the record without the necessity of calling seven witnesses. We will discuss the proposal at the October 15, 2004, status conference.

Parties have submitted testimony that can be more appropriately characterized as testimony, rather than evidence. Unrebutted argument is not the same as unrebutted evidence. Further, referring to other documents or websites in the testimonial footnotes does not constitute a submission of those documents or websites into the record.

The next status conference is scheduled for October 15, 2004. A copy of the notice is attached to this report. **All parties who intend to participate in the hearing schedule for October 19-22 need to appear at the status conference.** This appearance may be by telephone; however, please notify Administrative Hearings by October 12, 2004, if you intend to appear by phone rather than in person. Under OAR 860-014-0032, a party waives its right to participate in a proceeding if it fails to appear at a conference or hearing. Further, the Commission may dismiss a party from a proceeding for failing to appear. **Failure to appear at the status conference may result in a party being dismissed from the proceeding.**

Finally, the list summarizing the outstanding issues will be issued by October 4, 2004. Please submit objections or additions to the list by October 11, 2004.

Dated this 30th day of September, 2004.

Kathryn A. Logan
Administrative Law Judge

Christina M. Smith
Administrative Law Judge

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OF OREGON**

UM 1121

In the Matter of)
)
OREGON ELECTRIC UTILITY)
COMPANY, LLC, *et al.*,)
)
Application for Authorization to Acquire)
Portland General Electric Company.)

**NOTICE OF
STATUS CONFERENCE**

NOTICE IS GIVEN that the Public Utility Commission of Oregon has scheduled a status conference in this proceeding as follows:

DATE: October 15, 2004

TIME: 9:00 a.m.

LOCATION: Public Utility Commission of Oregon
550 Capitol Street NE
1st Floor, Main Hearing Room
Salem, OR 97301

VIA DIAL-IN NUMBER: 503-365-4439; Conference Code 6782#.

**ADMINISTRATIVE
LAW JUDGES:**

Kathryn Logan and Christina Smith

The purpose of the status conference is to update the parties and discuss matters raised during the previous status conference.

Please call the Administrative Hearings Division (503) 378-3943 if you have questions. *Parties should notify us by October 12th if they wish to participate by telephone. Please note: The use of cell phones may greatly diminish your ability to hear and be heard.*

Dated this 30th day of September, 2004.

Lee Beyer

John Savage

Ray Baum

Chairman

Commissioner

Commissioner