

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1811

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Application for Transportation  
Electrification Program.

PREHEARING CONFERENCE  
MEMORANDUM AND RULING

DISPOSITION: SCHEDULE ADOPTED; PETITIONS TO INTERVENE  
GRANTED; MOTION GRANTED

On February 13, 2017, the Public Utility Commission of Oregon held a joint prehearing conference with dockets UM 1810, UM 1812, and UM 1813 in this docket. Representatives appeared on behalf of Portland General Electric Company; PacifiCorp, dba Pacific Power; the Industrial Customers of Northwest Utilities (ICNU); the Oregon Citizens' Utility Board (CUB); Drive Oregon; the Utility Reform Project; ChargePoint, Inc; Climate Solutions; Greenlots; SemaConnect, Inc.; TriMet; and the Commission Staff.

**Petitions to Intervene**

Prior to the conference, petitions to intervene were filed by ICNU, ChargePoint, Drive Oregon, the Oregon Department of Energy, Tri-Met, and Greenlots. No party attending the conference objected to the petitions. I find that these entities 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 its notice of intervention on January 10, 2017 as allowed under ORS 774.180.

**Pro Hac Vice**

ChargePoint also filed a motion to allow Scott F. Dunbar to appear as counsel *pro hac vice* in this proceeding. The affidavit of Mr. Dunbar accompanied the motion. Mr. Dunbar states that he will associate with Kevin T. Fox, an active member in good standing with the Oregon State Bar.

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<sup>1</sup> See OAR 860-001-0300(6).

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 party attending the conference objected to the motion. The motion is granted.

**Procedural Schedule**

The following procedural schedule is adopted:

| <b>EVENT</b>  | <b>DATE</b>              |
|---|--------------------------|
| Proposed Intervenor Funding budgets due                 | February 27, 2017        |
| Company Supplemental Filing and Testimony               | March 15, 2017           |
| Staff and Intervenor Reply Testimony                    | April 24, 2017           |
| Stakeholder Workshop/Settlement Conference <sup>2</sup> | May 8, 2017              |
| Company Rebuttal Testimony                              | May 22, 2017             |
| Petitions to Intervene due                              | May 30, 2017             |
| Stakeholder Workshop/Settlement Conference <sup>3</sup> | June 1, 2017             |
| Staff & Intervenor Surrebuttal Testimony                | June 12, 2017            |
| Company Sursurrebuttal Testimony                        | June 28, 2017            |
| Staff & Intervenor Cross-Answering Testimony            | June 28, 2017            |
| All Parties' Prehearing Briefs due                      | July 12, 2017            |
| Cross-Examination Statements and Exhibits due           | July 19, 2017            |
| Hearing (tentative)                                     | July 24, 25, or 26, 2017 |
| Simultaneous Opening Briefs                             | August 16, 2017          |
| Simultaneous Reply Briefs                               | September 1, 2017        |
| Oral Arguments (if requested)                           | September 8, 2017        |
| Order due date (target date)                            | October 16, 2017         |

The parties agreed to a seven business day data response turn-around after May 22, 2017.

**Stakeholder Comment**

At the prehearing conference, PGE requested that an opportunity be made for the Commission to receive informal comments from stakeholders who are unlikely to participate in a contested case process. Although the Commission encourages broad participation in our proceedings, this is a contested case proceeding in which the Commission is required to reach a decision based on an evidentiary record. Accordingly, the Commission cannot consider off-record comments from non-parties in reaching its decision. If PGE wishes the Commission to hear public support for its programs, it may solicit those comments itself and include the comments in its testimony as part of the evidentiary record in this proceeding.

<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.

<sup>3</sup> The procedural schedule proposed by the parties had workshops/settlement conferences in this docket and PacifiCorp's docket UM 1810 on the same date. To allow more time for each workshop/settlement conference, the adopted schedule moves this workshop/settlement conference in this docket to June 1, 2017.

By statute, a person may petition to intervene at any time before the close of the record.<sup>4</sup> 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>5</sup>

Dated this 22<sup>nd</sup> day of February, 2017, at Salem, Oregon.



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Ruth Harper  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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<sup>4</sup> See ORS 756.525.

<sup>5</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 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](http://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.