

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1209

In the Matter of	)	
	)	
MIDAMERICAN ENERGY HOLDINGS	)	
COMPANY	)	MEMORANDUM
	)	RE: MODERATOR
Application for Authorization to Acquire	)	
Pacific Power & Light, dba PacifiCorp.	)	

As discussed in the July 15, 2005, memorandum, the Commission is interested in using a moderator to assist in non-hearings related discussions among the parties, including workshops and settlement conferences. To assist in the selection process, the Commission has tentatively established the following qualifications for a moderator in this proceeding:

- A person who is neutral and not affiliated with either a customer group or a utility company. This person may not necessarily have utility experience.
- A person who can set agendas for meetings with input from all sides.
- A person who knows when to step in and moderate the discussion and when to step out and allow the discussion to unfold.
- A person who can keep the discussion civil and promote professional working relationships.
- A person who can clarify the discussion – if parties appear headed toward settlement, the person can maintain that direction; if parties appear to be coalescing around two polarized positions, the person can clarify the differences on that issue and move the discussion forward on other issues.
- ❖ This person is not an arbitrator and will not resolve the case. If a resolution is possible, this person will help focus the parties’ efforts on that goal. If not, this person will help the parties develop a clearer understanding of the differences in position on issues so that litigation can move forward.

Parties may submit comments related to the moderator qualifications and also submit names of qualified applicants. The deadline for such submissions is 9:00 a.m. on Monday, August 8, 2005. The Commission will then select a moderator and issue a final job description as soon as practicable. The Commission will give heightened consideration to qualified applicants with a broad base of support among parties.

Dated at Salem, Oregon, this 2nd day of August, 2005.

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Christina M. Smith  
Administrative Law Judge