

ISSUED: August 8, 2006

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1224 and UM 1226

In the Matters of	)
	)
UTILITY REFORM PROJECT and	)
KEN LEWIS	)
	)
Application for Deferred Account,	)
(UM 1224)	)
	)
And	)
	)
UTILITY REFORM PROJECT and	)
KEN LEWIS,	)
	)
Complainants,	)
	)
v.	)
	)
PORTLAND GENERAL ELECTRIC	)
COMPANY,	)
	)
Defendant.	)
(UM 1226)	)

MEMORANDUM

**DISPOSITION: DOCKETS NO LONGER HELD IN ABEYANCE;  
PRELIMINARY PROCEDURAL SCHEDULE  
ESTABLISHED**

On August 7, 2006, a prehearing conference was held in Salem, Oregon in the above-captioned dockets.

**Background**

On October 5, 2005, the Utility Reform Project and Ken Lewis (collectively referred to as URP) filed a Complaint, pursuant to ORS 756.500 and OAR 860-013-0015, which was docketed as UM 1226. The same day, URP also filed a Notice of Application for Deferred Account (Application for Deferred Account), pursuant to OAR 860-027-0300, which was docketed as UM 1224. Although the two dockets are not consolidated, they have been, and continue to be, addressed together.

On November 10, 2005, Portland General Electric Company (PGE) filed response Comments to URP's Application, as well as a Motion to Dismiss, Abate, or Make More Definite and Certain (Motion) the Complaint of URP. On December 5, 2005, URP filed a Response to PGE Motion to Dismiss, Abate, or Make More Definite and Certain.

On December 27, 2005, a joint ruling was issued holding both dockets in abeyance, pending resolution of an application for reconsideration or rehearing filed in Docket No. UE 170. The ruling observed that URP's filings relied on the Commission's application of SB 408 in Order No. 05-1050. As that order was then under reconsideration, the ruling determined that it would be inappropriate to proceed with a Complaint and an Application for Deferred Account. Thus, both the Complaint and Application for Deferred Account were held in abeyance until Order No. 05-1050 was deemed final by the Commission. On July 10, 2006, the Commission issued Order No. 06-379 (Reconsideration Order), resolving issues under reconsideration from Order No. 05-1050.

**Dockets No Longer in Abeyance; Preliminary Procedural Schedule Established**

As the uncertainty regarding the Commission's application of SB 408 in Order No. 05-1050 was removed by Order No. 06-379, the reason for abeyance of these two dockets no longer exists, and the dockets need not be held in abeyance any longer. Consequently, a prehearing conference was held to discuss how to proceed.

In a letter dated July 20, 2006, PGE proposed that Staff and parties file simultaneous briefs regarding the impact of the Reconsideration Order on the dockets. However, URP proposed, at the prehearing conference, that PGE file a new Motion to Dismiss, Abate or Make More Definite and Certain that takes into account the reconsideration order. PGE agreed to do so. As a result, parties agreed to a preliminary procedural schedule to address PGE's anticipated motion, as follows:

PGE Files New Motion to Dismiss, Abate or Make More Definite and Certain	September 11, 2006
Responses Due	September 26, 2006
PGE files Reply	October 6, 2006

Dated at Salem, Oregon, this 8<sup>th</sup> day of August 2006.

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**Traci A. G. Kirkpatrick**  
Administrative Law Judge