September 14, 2009

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1424

RAINBOW YOUTH GOLF EDUCATION PROGRAM, INC. Complainant, vs. PACIFICORP, dba PACIFIC POWER, Defendant.	RULING

DISPOSITION: SCOPE OF HEARING DEFINED; PROCEDURAL ISSUES ADDRESSED

An evidentiary hearing is scheduled in this docket on October 8, 2009, in Klamath Falls, Oregon. This ruling defines the scope of the hearing, requires the parties to file witness lists, and addresses additional procedural issues.

Issue for Hearing. As described in the September 4, 2009, ruling on Pacific Power's motion to dismiss, the issue for hearing is whether the "installed cost" of the facilities constructed by Pacific Power for RYGEP is reasonable.[1] This is the only remaining disputed issue in this docket, and parties are limited to presenting evidence on this issue.[2]

Witnesses. Each party must send its witness list to both the Administrative Law Judge (ALJ) and the opposing party for receipt no later than ***September 28, 2009, at 5:00 p.m.*** Witness lists must include:

- The name of each witness expected to testify.
- The subject of each witness's testimony.
- The estimated time each witness is expected to testify.

After receiving witness lists, the ALJ will issue a schedule for the hearing.

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[1] This "installed cost" is part of the calculation of RYGEP's minimum contract billing, challenged in Count 2 of RYGEP's complaint.

[2] The five-year contract term and 80 percent clause included in RYGEP's contract are consistent with Pacific Power's Commission-filed tariffs and cannot be changed.

After receiving witness lists, the ALJ will issue a schedule for the hearing.

Exhibits. The parties are advised that they should bring to the hearing an original and *three copies* of any document they intend to introduce as evidence.[3] Exhibits should be marked with the party's name and an exhibit number (for example, RYGEP/1, RYGEP/2, Pacific Power/1, Pacific Power/2, etc.). The documents may be marked in advance of the hearing, or they may be numbered and marked during the hearing as they are introduced.[4]

Order of Presentation. With respect to the order of presentation, RYGEP will present its evidence first, Pacific Power will follow, and RYGEP will then have the opportunity for rebuttal. This traditional order of presentation reflects RYGEP's burden to prove the allegations in its complaint.

Discovery. The parties are reminded that Commission rules allow parties to seek discovery prior to the hearing regarding other parties' positions and evidence. Parties may serve data requests on one another seeking specific discoverable information, and responses to data requests shall be answered within 10 days of service. *See* OAR 860-014-0070.

Other Procedures. Additional information about hearing procedures can be found at: http://www.puc.state.or.us/PUC/admin_hearings/complaint_guide.shtml.

Dated at Salem, Oregon, this 14th day of September, 2009.

Lisa D. Hardie
Administrative Law Judge

[3] One copy will be given to the court reporter, one to the ALJ, and one to the opposing party.
[4] Instructions for proper marking of exhibits can be found on PUC's website at: http://www.puc.state.or.us/PUC/admin_hearings/guidelines_marking.shtml.