

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 283 and UE 286

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request for a General Rate Revision.

PREHEARING CONFERENCE
MEMORANDUM AND RULING

Summary

In this memorandum and ruling, the Commission grants the parties' motion to bifurcate Portland General Electric Company's rate case filing, establishes a separate docket, UE 286, to address issues related to the company's Net Variable Power Costs (NVPC) and its Annual Power Cost Update (APCU), grants petitions to intervene, and adopts separate procedural schedules for dockets UE 283 and UE 286.

Prehearing Conference

On March 7, 2014, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of PGE; Commission Staff; the Citizens' Utility Board of Oregon (CUB); Noble Americas Energy Solutions (Noble Solutions); the City of Portland; the Industrial Customers of Northwest Utilities (ICNU); PacifiCorp, dba Pacific Power; Renewable Northwest Project; and Northwest Natural Gas Company, dba NW Natural.

Petitions to Intervene

Before the conference, petitions to intervene were filed by Noble Solutions, ICNU, NW Natural, and Pacific Power. No party attending the conference objected to the petitions. Upon review of the petitions, I find that Pacific Power, NW Natural, ICNU and Noble Solutions 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.¹ The petitions to intervene are therefore granted. In addition, CUB filed a notice of intervention on February 19, 2014 in compliance with ORS 774.180.

Procedural Schedule

The following schedule is adopted for docket UE 283:

EVENT	DATE
Petitions to Intervene due	March 28, 2014
Proposed Intervenor Funding budgets due	April 18, 2014

¹ See OAR 860-001-0300.

Commissioners' Public Comment Meeting—Portland	April 28 or May 19, 20 or 29
Settlement Conferences ²	May 23 and May 27, 2014 (afternoon only)
Staff and Intervenor Opening Testimony due	June 11, 2014
Workshop with Commissioners	July 1, 2014
Settlement Conferences	July 7-8, 2014
PGE Reply Testimony due	July 16, 2014
Staff and Intervenor Rebuttal Testimony due	August 13, 2014
PGE Surrebuttal Testimony due	September 2, 2014
Parties file Hearing Memoranda	September 12, 2014
Cross-Examination Statements due; notification of party witnesses to be examined	September 12, 2013
Commission Examination and Hearing	September 18-19, 2014
PGE files Opening Brief	October 6, 2014
Staff and Intervenor file Reply Briefs	October 21, 2014
PGE files Final Brief	November 3, 2014
Closing Oral Arguments	November 13, 2014 (tentative)
Commission Decision Target date	December 15, 2014
Effective Date	December 18, 2014

The parties have agreed to a seven business day turn-around on data request responses after July 16, 2014, and a five business day turn-around after August 13, 2014.

Bifurcation of Proceedings

The parties also jointly moved that the portion of the case related to the company's Net Variable Power Costs (NVPC) and its Annual Power Cost Update (APCU) be examined in a separate docket on a more accelerated schedule.

The parties' request for bifurcation is granted. The company's NVPC and APCU will be addressed in docket UE 286. All of the parties in this docket are hereby made parties in docket UE 286.³ General Protective Order No. 14-043, issued in this docket, shall be in full force and effect in the NVPC/APCU docket and all parties' commitments to comply with the General Protective Order as reflected by the submission of signature pages relative thereto shall be applicable to both dockets.

The Commission also directs the parties to designate specific portions of PGE's direct testimony in docket UE 283 to be included in docket UE 286 no later than April 4, 2014.

² Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule settlement conferences.

³ By statute, a person may petition to intervene at any time before the close of the record and may file to appear in the NVPC/APCU docket even though not currently a party in Docket No. UE 283.

The following schedule is adopted for docket UE 286:

EVENT	DATE
Petitions to Intervene due	March 28, 2014
PGE files MONET Update	April 1, 2014
Proposed Intervenor Funding Budgets due	April 18, 2014
Settlement Conference	May 7, 2014
Staff and Intervenors file Opening Testimony	May 27, 2014
Settlement Conference	June 4, 2014
PGE files Reply Testimony	June 16, 2014
Staff and Intervenors file Rebuttal Testimony	July 3, 2014
PGE files MONET Update	July 15, 2014
PGE files Surrebuttal Testimony	July 21, 2014
Evidentiary Hearing	August 4, 2014
PGE files Opening Brief	August 18, 2014
Staff and Intervenors file Reply Briefs	September 3, 2014
PGE files Rebuttal Brief	September 15, 2014
PGE files MONET Update	October 1, 2014
Commission Decision (Target Date)	October 21, 2014
PGE files MONET Update	November 5, 2015
PGE files Final MONET Update	November 14, 2014
Effective Date	December 18, 2014

The parties agreed to propose a five business day turn-around on data request responses after June 16, 2014.

The schedules include requested dates for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.⁴ But 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.⁵

Dated this 11th day of March, 2014, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁴ See ORS 756.525.

⁵ 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. 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.