

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 433, UM 2116, UM 2220, UM 2161

In the Matters of

PACIFICORP dba PACIFIC POWER,

Request for a General Rate Revision
(UE 433),

Deferred Accounting Related to Wildfire
Damage and Restoration Costs (UM 2116),

Deferred Accounting for Operating Costs
and Capital Investments to Implement the
Company's Distribution System Plan
(UM 2220), and

Deferred Accounting of Deer Creek Mine
Royalty Payment Costs (UM 2161).

**PREHEARING CONFERENCE
MEMORANDUM**

On March 11, 2024, the Public Utility Commission of Oregon conducted a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff, Alliance of Western Energy Consumers, Amazon Data Services, Inc., Calpine Energy Solutions, LLC, Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co., Klamath Basin Water Users Protective Association dba Klamath Water Users Association, Oregon Citizens' Utility Board, PacifiCorp dba Pacific Power, and Vitesse, LLC.

PacifiCorp requested that the Commission consolidate the following dockets with the GRC: docket UM 2116, Deferred Accounting Related to Wildfire Damage and Restoration Costs; docket UM 2220, Deferred Accounting for Operating Costs and Capital Investments to Implement the Company's Distribution System Plan; and docket UM 2161, Deferred Accounting of Deer Creek Mine Royalty Payment Costs. No party objected. The Commission has discretion to consolidate cases under OAR 860-001-0600 and has used that discretion in the past when consolidation was efficient and logical and when consolidation would clarify and simplify resolution of issues. I find that consolidation of these dockets with the GRC is appropriate on that basis. All filings will be docketed in docket UE 433 going forward.

An expedited process for resolving discovery disputes will be established for this proceeding. The details of that process will be addressed in a forthcoming memorandum.

The parties proposed a procedural schedule which is adopted as set forth below with minor modifications as discussed during the prehearing conference.

Event	Date
AHD Workshop – Rate Case Process	March 20, 2024, 1:30 p.m.
Staff Agenda for April 4, 2024 Workshop	April 1, 2024
Special Public Meeting Workshop on Environmental Justice Issues	April 4, 2024, 1:30 p.m.
Deadline for Staff and Intervenors to send workshop questions to the company	April 5, 2024
PacifiCorp Workshop	April 19, 2024
Settlement conference ¹	April 22, 2024
Status report on settlement	April 29, 2024
Public Comment Hearing (Zoom)	April 30, 2024, 6:00 p.m.
Intervenor Funding Budgets due	May 28, 2024
Staff and Intervenor Opening Testimony	June 28, 2024
Settlement conference	July 16, 2024
Status report on settlement	July 22, 2024
Company Reply Testimony	July 26, 2024
Responses to data requests due in five business days (best efforts)	July 26, 2024
Settlement conference	August 5, 2024
Status report on settlement	August 13, 2024
Staff and Intervenor Rebuttal Testimony	August 16, 2024
Settlement conference	August 21, 2024
Status report on settlement	August 23, 2024
Company Surrebuttal Testimony	August 30, 2024
Settlement conference	September 6, 2024
Status report on settlement	September 11, 2024
Pre-Hearing Briefs, Cross-Examination Statements, and Cross-Examination Exhibits (all parties)	September 20, 2024
Hearing	September 26, 2024
Opening Briefs (all parties)	October 11, 2024
Closing Briefs (all parties)	October 24, 2024
Oral Argument	October 31, 2024 ²
Commission Order (target)	December 19, 2024

¹ Dates associated with settlement conferences are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule these dates. In addition to the settlement updates included in the schedule, parties should plan to advise the Commission as soon as practicable when any settlement in principle is reached on any or all issues in order to determine whether any schedule changes are appropriate.

² The October 31, 2024 oral argument may begin as early as 9:00 a.m. and is anticipated to conclude no later than 3:00 p.m.

Any filings submitted in this proceeding are due by 3 p.m. in order to provide adequate processing time for the Filing Center. Filings submitted after 3 p.m. will be considered filed on the following business day.

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.³

Dated this 11th day of March, 2023, at Salem, Oregon.



Alison Lackey
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

³ 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 <https://www.oregon.gov/puc/Pages/default.aspx>. 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.

Notice to Active Duty Servicemembers: Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

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.

Notice of Contested Case Rights and Procedures continued

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.