

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

DR 10/UE 88/UM 989

In the Matters of)	
)	
The Application of Portland General Electric)	
Company for an Investigation into Least Cost)	
Plan Plant Retirement. (DR 10))	
)	RULING
Revised Tariffs Schedules for Electric Service)	
in Oregon Filed by Portland General Electric)	
Company. (UE 88))	
)	
Portland General Electric Company's)	
Application for an Accounting Order and for)	
Order Approving Tariff Sheets Implementing)	
Rate Reduction. (UM 989))	

**DISPOSITION: MOTION TO CONSOLIDATE PHASES AND
TO REOPEN RECORD STILL PENDING;
MOTION FOR LEAVE TO FILE ADDITIONAL
TESTIMONY DENIED**

I. BACKGROUND

On November 15, 2006, the Portland General Electric Company (PGE) filed a motion to amend the procedural schedule for the above-captioned dockets to consolidate all phases, and to reopen the record to permit parties to submit additional testimony (Motion). The Motion argues that the recent Oregon Supreme Court decision in *Dreyer v. Portland General Electric Co.*, 341 Or 262, 142 P3d 1010 (2006) warrants these actions by the Public Utility Commission of Oregon (Commission). The schedule proposed by PGE called for PGE to file opening testimony on January 12, 2007, and Staff and intervenors to file rebuttal testimony on March 2, 2007.

On December 1, 2006, the Utility Reform Project, et al. (URP) filed an Answer to PGE's Motion (Answer). URP agrees that parties should be provided with an opportunity to brief the legal issue of whether the Commission can order refunds to customers of rates paid between April 1, 1995 and September 1, 2000. URP disagrees, however, that the phases should be consolidated, or that the evidentiary record should be

reopened. On December 15, 2006, PGE filed a Reply in Support of its Motion to Consolidate the Phases and to Reopen the Record (Reply).

On January 31, 2007, before a ruling on PGE's Motion, PGE filed a motion for leave to file supplemental testimony (Motion for Leave), along with the supplemental testimony itself. PGE proposed that Staff and intervenors file rebuttal testimony by March 2, 2007.

On February 9, 2007, Staff filed a response to PGE's Motion for Leave. Although Staff indicates that it supports PGE's request to consolidate the phases of the remand proceedings and to submit additional testimony, Staff opposes PGE's proposed schedule. Staff asserts that the proposed schedule does not provide Staff and intervenors with sufficient time to file responsive testimony. Staff observes that as PGE's Motion has not yet been ruled on, Staff has not begun preparing responsive testimony. Staff requests that responsive testimony be due on March 30, 2007. Staff also requests that should a hearing be scheduled, that the hearing be scheduled at least two weeks after the date that PGE is required to submit rebuttal testimony.

II. MOTION TO CONSOLIDATE PHASES AND TO REOPEN THE RECORD STILL PENDING

In the wake of the *Dreyer* opinion, the Commission is considering the appropriate course of action for these remand proceedings. Consequently, I have not yet ruled on PGE's Motion. The Motion should be considered still pending.

III. MOTION FOR LEAVE TO FILE TESTIMONY DENIED

Until PGE's Motion is approved, the record in these remand proceedings is not open and new testimony may not be submitted. PGE's Motion for Leave is denied. Staff and intervenors are directed to not file responsive testimony.

Dated this 13th day of February, 2007, at Salem, Oregon.

Traci A. G. Kirkpatrick
Administrative Law Judge