

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN-1

In the Matter of the Petition of
UMATILLA ELECTRIC COOPERATIVE

**PETITION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY**

**JOINT MOTION TO MODIFY
PROCEDURAL SCHEDULE**

JOINT MOTION

Pursuant to OAR 860-001-0420, Umatilla Electric Cooperative (“UEC”) and Staff for the Public Utility Commission (“Staff”) jointly move to modify the procedural schedule established in the Prehearing Conference Memorandum issued September 26, 2016, should the Commission find the evidentiary hearing scheduled for December 12, 2016 unnecessary. Specifically, in that event, UEC and Staff move to modify the filing date for Post-hearing Briefs from January 11, 2017 to December 23, 2016.

DISCUSSION

UEC filed its Petition for a Certificate of Public Convenience and Necessity (“CPCN”) on August 19, 2016. The process for consideration of a CPCN is set forth in ORS 758.015. Pursuant to that statute, the Commission’s consideration of a CPCN is a two-step process: the Commission must hold a public hearing, and the Commission shall make its own investigation. ORS 758.015(2).

The Commission held a public hearing in this matter on September 22, 2016. The public hearing was held at UEC’s offices in Hermiston, Oregon, which is located in the area near

UEC's proposed transmission line. The Commission's Notice of the Public Hearing, issued September 6, 2016, indicated that members of the public who could not attend the hearing in person could also provide written comments directly to the Commission. The Commission's Notice was published in a local paper both on September 7, 2016 and September 17, 2016. UEC also provided written notice to affected property owners of its Petition and the Public Hearing.

Immediately following the Public Hearing, the Commission held a Pre-hearing Conference to establish a procedural schedule for the Commission's investigation of UEC's request for a CPCN. During the Public Hearing and the Pre-hearing Conference, Administrative Law Judge ("ALJ") Patrick Power announced that members of the public could intervene to obtain status as a party. ALJ Power then established the procedural schedule in this matter, which has proceeded as a contested case hearing, with deadlines for response testimony, reply testimony, an evidentiary hearing, and briefs. To date, no intervention requests have been submitted and UEC and Staff remain the only parties in this proceeding.

A Notice of Hearing was issued on November 7, 2016 for the December 12, 2016 hearing. Staff filed response testimony on November 10, 2016. UEC filed reply testimony on November 18, 2016. The only remaining events scheduled in this case are the evidentiary hearing currently scheduled for December 12, 2016 and the Post-hearing Briefs currently due on January 11, 2017.

UEC and Staff have each filed Cross Examination Statements in this docket indicating that they do not require cross-examination of the other party. The Parties anticipate filing separate motions to admit the pre-filed testimony and exhibits, and do not intend to object to the other party's motion. The statutory obligation to hold a public hearing under ORS 758.015(2) was satisfied when the Commission held the public hearing on September 22, 2016. It is not

uncommon for the Commission to cancel an evidentiary hearing in contested case proceedings when no additional evidence is anticipated. In the event the December 12, 2016 hearing is canceled, rescheduling the due date for legal briefs will allow for more efficient resolution of this docket. December 23, 2016 is a date mutually agreeable to the Parties for filing legal briefs.

CONCLUSION

Based on the foregoing, UEC and Staff respectfully request that if the Commission cancels the evidentiary hearing, the procedural schedule be modified to amend the filing date for Post-hearing Briefs to December 23, 2016.

Dated: November 23, 2016

Respectfully submitted,



Tommy A. Brooks, OSB 076071
Chad M. Stokes, OSB 004007
Cable Huston LLP
1001 SW Fifth Ave. Suite 2000
Portland, Oregon 97204-1136
Telephone (503) 224-3092
Facsimile (503) 224-3176
E-Mail: tbrooks@cablehuston.com
E-Mail: cstokes@cablehuston.com

Of Attorneys for Petitioner
Umatilla Electric Cooperative

ELLEN F. ROSENBLUM
Attorney General
Johanna M. Riemenschneider, #990083
Sommer Moser, #105260
Assistant Attorneys General
Of Attorneys for Staff of the Public Utility
Commission of Oregon