

1                               **BEFORE THE PUBLIC UTILITY COMMISSION**

2   **OF OREGON**

3   UE 307

4       In the Matter of

5       PACIFICORP, dba PACIFIC POWER,

6       2017 Transition Adjustment Mechanism.

   |       STAFF’S MOTION TO  
   |       AMEND SCHEDULE

   |       *Expedited Consideration Requested*

7  
8               Pursuant to OAR 860-001-0420(2), Staff of the Public Utility Commission of Oregon  
9 (Staff) files this motion to request that the Administrative Law Judge (ALJ) amend the current  
10 procedural schedule in docket UE 307 to allow for two additional rounds of testimony in this  
11 proceeding. Staff further requests expedited consideration of this motion.

12               Staff makes this request because it has determined that additional rounds of testimony are  
13 necessary in order to ensure that the testimony and record on the issues raised in PacifiCorp’s  
14 Transition Adjustment Mechanism (TAM) are fully developed. Under the current procedural  
15 schedule, Staff and Intervenors have one round of testimony that responds to PacifiCorp in this  
16 case. Upon further review of PacifiCorp’s filed testimony and responses to discovery, Staff has  
17 determined that the issues present in this case are more complex than initially determined.  
18 Additionally, PacifiCorp’s case includes the forecast of production tax credits in accordance with  
19 SB 1547, which is a new issue for the TAM proceeding.

20               The Commission has recently recognized the importance of additional rounds of  
21 testimony in developing the issues and record in Commission proceedings. In Avista Utilities’  
22 most recent general rate case, the Commission raised concerns that one round of Staff and  
23 Intervenor responsive testimony did not allow Staff and Intervenors an opportunity to respond to  
24 the utility’s more detailed testimony and evidence submitted in response to Staff and Intervenor  
25 issues.<sup>1</sup> Although the Commission’s comments were in the context of a general rate proceeding,

26       <sup>1</sup> *In re Avista Utilities*, OPUC Docket Nos. UG 288 & UM 1753, Order No. 16-109 at 22 (Mar. 15, 2016).

1 the Commission's concerns are equally applicable to PacifiCorp's TAM. Under the current  
 2 schedule, the parties are not able to respond in writing to PacifiCorp's more detailed testimony  
 3 and evidence submitted in response to the issues raised by Staff and Intervenors in their opening  
 4 testimony. Due to the complex nature of the issues involved and the forecast of production tax  
 5 credits, an issue of first impression for the Commission, Staff respectfully requests that the ALJ  
 6 issue a ruling adopting the following procedural schedule for UE 307:<sup>2</sup>

EVENT	DATE
Staff and Intervenor Opening Testimony	July 8, 2016
Second Settlement Conference	July 20, 2016 (AM)
PacifiCorp Reply Testimony	July 27, 2016
Staff and Intervenor Rebuttal/Cross- Answering Testimony	August 8, 2016
PacifiCorp Surrebuttal Testimony	August 18, 2016
All Parties Cross Examination Exhibits	August 24, 2016
Hearing	August 29, 2016
Simultaneous Opening Briefs	September 16, 2016
Simultaneous Closing Briefs	September 30, 2016
Target Date for Commission Order	November 2, 2016

15 Staff recognizes that this schedule is not perfect, but believes that the importance of two  
 16 additional rounds of testimony justifies a more compressed schedule in this case. Staff also  
 17 respectfully requests that all parties be subject to three-day turnaround for discovery, on a best-  
 18 efforts basis, after PacifiCorp's Reply Testimony is filed on July 27, 2016.

19 Staff has conferred with all parties to UE 307 by either phone or e-mail regarding its  
 20 motion to amend the procedural schedule in this proceeding. The Citizens' Utility Board of  
 21 Oregon (CUB), the Industrial Customers of Northwest Utilities (ICNU), and Noble Solutions  
 22 support Staff's amended procedural schedule. PacifiCorp opposes Staff's motion.

23 In accordance with OAR 860-001-0420(6)(c), Staff requests that the amount of time for  
 24

25 //

26 <sup>2</sup> Staff's proposed schedule does not include a prehearing memorandum due to the specific needs of this case to accommodate five rounds of testimony and have a Commission decision by early November.

1 responses to its motion be shortened in order to allow for this matter to be resolved by Friday,  
2 July 1, 2016.

3 DATED this 24<sup>th</sup> day of June, 2016

4 Respectfully submitted,

5 ELLEN F. ROSENBLUM  
6 Attorney General

7 

8 

---

Sommer Moser, OSB # 105260  
9 Assistant Attorney General  
10 Of Attorneys for Staff of the Public Utility  
11 Commission of Oregon  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26