

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 307

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2017 Transition Adjustment Mechanism.

RULING

DISPOSITION: MOTION TO AMEND SCHEDULE GRANTED IN PART

On June 24, 2016, Commission Staff filed a motion seeking to amend the procedural schedule that currently allows Staff and intervenors only one round of testimony. To ensure that the testimony and record on the issues raised in this proceeding are fully developed, Staff asks that it and intervenors be allowed to file an additional round of testimony, to be followed with an additional round of testimony for PacifiCorp. Staff maintains that additional rounds are necessary because the issues presented in this case are more complex than initially determined, such as PacifiCorp's forecast of production tax credits. Staff states that the Citizens' Utility Board of Oregon, the Industrial Customers of Northwest Utilities, and Noble Americas Energy Solutions support Staff's motion.

PacifiCorp objects on four grounds. First, the company states that Staff's proposed schedule will unreasonably reduce its time to file reply testimony from 35 to 19 days. Second, PacifiCorp argues that Staff's proposal to shorten the company's response time to data requests to three days is a significant burden. Third, PacifiCorp points out that Staff's motion deviates from the general practice of three rounds of testimony and sequential briefing in Transition Adjustment Mechanism (TAM) dockets. Lastly, PacifiCorp objects to the proposed schedule omitting the filing of prehearing memoranda.

I grant Staff's motion, in part, for a modified procedural schedule. As noted by the parties, the Commission explained in a recent rate case that five rounds of written testimony are necessary to allow Staff and intervenors the opportunity not only to identify disagreements with the utility's application, but also to address the utility's more detailed response to those matters identified as in dispute.¹ This precedent strongly supports granting Staff's motion, as the TAM also raises numerous issues.

I recognize that the Commission has generally used three rounds of testimony for TAM proceedings. However, the Commission has not excluded the possibility of having additional rounds of testimony. In fact, in adopting a schedule with three rounds of testimony in PacifiCorp's 2013 TAM proceeding, the Administrative Law Judge

¹ *In re Avista Utilites*, Docket Nos. UG 288 & UM 1753, Order No. 16-109 at 22 (Mar 15, 2016).

expressly provided Staff or an intervenor the opportunity to request additional testimony upon a proper showing.²

I conclude that Staff has made a proper showing here. Last year, a Commissioner noted the increasing complexity of PacifiCorp’s TAM filings.³ That complexity has further increased given the passage of the passage of Senate Bill 1547 and its provisions related to production tax credits. Staff and intervenors should be given the opportunity to file an additional round of testimony to respond to PacifiCorp’s reply testimony.

The Commission’s interest is in a complete record that allows for a fully-supported Commission decision. Five rounds of testimony in this docket is consistent with that goal.

Accordingly, I grant Staff’s motion with one exception. Without explanation, Staff proposed to revise the briefing schedule so that parties would file simultaneous, rather than sequential briefs. Because the hearing date has not changed, I will leave the original sequential briefing schedule in place, which gives PacifiCorp, as the party with the burden of proof, the last opportunity to present argument.

Procedural Schedule

The following procedural schedule is adopted:

EVENT	DATE
Staff and Intervenor Opening Testimony	July 8, 2016
Second Settlement Conference ⁴	July 20, 2016 (a.m.)
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 Statements	August 23, 2016
All Parties’ Cross-Examination Exhibits	August 24, 2016
Hearing	August 29, 2016
PacifiCorp Opening Brief	September 14, 2016
Staff and Intervenor Response Briefs	September 26, 2016
PacifiCorp Reply Brief; Staff and Intervenor Cross-Answering Briefs	October 5, 2016
Target Date for Commission Order	November 2, 2016

² *In re PacifiCorp, dba Pacific Power, 2013 Transition Adjustment Mechanism*, Docket No. UE 245, ALJ Corrected Prehearing Memorandum at 2 (Mar 20, 2012).

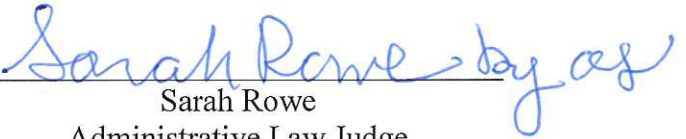
³ *See In re PacifiCorp, 2016 Transition Adjustment Mechanism*, Docket No. UE 296, Order No. 15-394 at 13. (Commissioner Bloom’s concurrence, stating that the TAM schedule left the parties and the Commission little time to evaluate and verify the assertions made by PacifiCorp, and citing to similar language in the 2012 TAM Order).

⁴ The settlement conference date is included in the schedule for the parties’ convenience. The parties do not need Commission approval to reschedule the settlement conference.

All parties are subject to three-day turnaround for discovery, on a best-efforts basis, after PacifiCorp files its reply testimony on July 27.

Due to the upcoming deadlines for testimony, if a party wishes to appeal to this ruling to the Commission, the default 15-day period in OAR 860-001-0110 is shortened to seven calendar days.

Dated this 1st day of July, 2016, at Salem, Oregon.



Sarah Rowe
Administrative Law Judge