

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1535

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

Request for Proposals for Capacity
Resources.

PREHEARING CONFERENCE
MEMORANDUM

On April 15, 2011 the Public Utility Commission of Oregon (Commission) held a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff, Portland General Electric Company (PGE), the Citizens' Utility Board of Oregon (CUB), Industrial Customers of Northwest Utilities (ICNU), Northwest and Intermountain Power Producers Coalition (NIPPC), and the NW Energy Coalition.

Petitions to Intervene

Before the conference, petitions to intervene were filed by NIPPC, and ICNU, and the Oregon Department of Energy (ODOE). No party attending the conference objected to the petitions. Upon review of the petitions, I find that ICNU, ODOE, and NIPPC each has sufficient interest in the proceedings to participate and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ The petitions to intervene are therefore granted. In addition, CUB filed a notice of intervention on April 11, 2011, in compliance with ORS 774.180.

Procedural Schedule

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
PGE to Provide Draft RFP to Stakeholders and Bidders	April 22, 2011
Stakeholder Pre-RFP Workshop	May 11, 2011

¹ See OAR 860-001-0300.


DOCKETED

Bidder Pre-RFP Workshop ²	May 12, 2011
Deadline for Petitions to Intervene	May 12, 2011
PGE Submits Final Draft RFP to Commission for Approval	May 23, 2011
Independent Evaluator Submits Assessment of the Final Draft RFP to Commission	June 3, 2011
Intervenors' and Staff's Comments due on Final Draft RFP	June 22, 2011
PGE Reply Comments Due	July 8, 2011
Staff Report Due	July 21, 2011
Public Meeting (tentative)	July 26, 2011

The schedule includes a requested date for petitions to intervene. By statute, a person may petition to intervene at any time before the close of the record.³ But because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

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.⁴

Dated this 15th day of April, 2011, at Salem, Oregon.



Patrick Power
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² Workshop dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule workshops.

³ See ORS 756.525.

⁴ 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 this proceeding 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 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, 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 in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ 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 to 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 to 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(1)(b). 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. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). 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 ALJ's 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. 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. See ORS 756.610.