

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1633

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Investigation into Treatment of Pension
Costs in Utility Rates.

PREHEARING CONFERENCE
MEMORANDUM

On December 21, 2012, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff; the Citizens' Utility Board of Oregon (CUB); the Northwest Industrial Gas Users (NWIGU); Avista Corporation; Northwest Natural Gas Company, dba NW Natural; Idaho Power Company; Portland General Electric Company (PGE); and PacifiCorp, dba Pacific Power.

Petitions to Intervene

Before the conference, petitions to intervene were filed by Idaho Power, NWIGU, Pacific Power, PGE, and Avista. No party attending the conference objected to the petitions, and all were granted.

CUB filed a notice of intervention on December 10, 2012 in compliance with ORS 774.180.

Procedural Schedule

During the conference, the parties agreed to hold two workshops before a full procedural schedule is adopted. The first is a workshop with the parties, scheduled for January 23, 2013. The second is a workshop with the Commissioners a week later, on the afternoon of January 30, 2013.¹

¹ The first workshop may be rescheduled by agreement of the parties without Commission approval. The second workshop will be noticed as a public meeting and may not be changed without a formal ruling.

Comments on Workshop Agenda

An agenda for the January 30 workshop will be sent to the parties before January 23, 2012. If the parties have comments on the proposed agenda, they should file them with the Commission no later than January 24, 2013.

Dated this 24th day of December, 2012, at Salem, Oregon.



Lisa D. Hardie
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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.