

HARDY MYERS  
Attorney General



PETER D. SHEPHERD  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

June 28, 2005

Public Utility Commission of Oregon  
Attn: Filing Center  
550 Capitol Street, NE  
Suite 215  
PO Box 2148  
Salem, Oregon 97308-2148

**Re: UE 165/UM 1187**

Dear Filing Center,

Enclosed for filing please find staff's Motion to Modify Procedural Schedule in Docket Nos. UE 165 and UM 1187.

Thank you for your attention.

Very truly yours,

Stephanie S. Andrus  
Assistant Attorney General

Enc.

c. UE 165/UM 1187 service lists  
Allan Arlow, Administrative Law Judge

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UE 165/ UM 1187**

In the Matter of  
PORTLAND GENERAL ELECTRIC,  
Application for a Hydro Generation Power  
Cost Adjustment Mechanism and Application  
for Deferral of Costs and Benefits due to  
Hydro Generation Variance.

STAFF MOTION TO MODIFY PROCEDURAL  
SCHEDULE

Pursuant to OAR 860-013-0031, staff of the Public Utility Commission of Oregon requests that the administrative law judge issue an order modifying the procedural schedule in the above-captioned dockets. All parties to these dockets have agreed to the modified schedule. Because all parties have agreed to the modified schedule, and because the first date to be modified is very near, staff further requests that the administrative law judge consider this motion on an expedited basis.

Currently, staff and PGE surrebuttal testimony in this docket is due July 1, 2005. However, due to obligations in other dockets, staff is unable to complete its testimony by this deadline. Accordingly, staff seeks to extend this date, with corresponding extensions to all other dates in the schedule, to allow additional opportunity to draft and finalize its surrebuttal testimony. The modified schedule agreed to by all parties is as follows:

July 21, 2005	Due date for staff/PGE surrebuttal testimony (no testimony to be filed by PGE witness Makhholm)
July 26, 2005	Cross-examination of PGE witness Makhholm
Aug. 9, 2005	Cross-examination of all other witnesses
Sept. 2, 2005	Due date for simultaneous opening briefs
Sept. 14, 2005	Due date for simultaneous reply briefs

1           The negotiation of this modified schedule was a difficult process given that several  
2 individuals involved in these cases have previously-arranged vacation plans or commitments  
3 during the months of July and August, 2005. The split hearing dates, one for the cross-  
4 examination of witness Makhholm and another for the remainder of cross-examination, is one  
5 example of the accommodation given to various individual's previous commitments. Counsel  
6 for staff has checked with the Administrative Hearings Division to confirm that there is a hearing  
7 room available to the parties on July 26<sup>th</sup> and August 9<sup>th</sup>, and that the hearing officer has no work  
8 commitments scheduled on those days.

9           Because there is 19 days between the filing of testimony and the hearing dates under the  
10 modified schedule, the parties agree that expedited discovery after the filing of surrebuttal  
11 testimony is not necessary.<sup>1</sup>

12           The statutory deadline for action in this matter is currently October 1, 2005. Counsel for  
13 PGE has stated that PGE intends to notify the Commission in the immediate future that it will  
14 agree to a fourteen-day extension of the suspension period. This will allow the Commission 30  
15 days from the filing of the reply briefs to the end of the suspension period to issue a final order in  
16 this case.

17           Finally, the parties did not discuss what dates by which they should announce their intent  
18 regarding cross-examination. However, staff requests that the administrative law judge include  
19 such dates in a modified schedule. More specifically, staff requests that the administrative law  
20 judge impose a deadline by which parties must state their intent to cross-examine PGE witness  
21 Makhom, and then, a subsequent date by which parties must state their intent with respect to  
22 cross-examination of all other witnesses.

23           In the event that no party intends to conduct any cross-examination, staff will seek a  
24 further modification to the briefing schedule.

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26 <sup>1</sup> There are only five days between the filing of surrebuttal testimony and the cross-examination  
of PGE witness Makhholm. However, Makhholm will not file surrebuttal testimony.

1 **CONCLUSION**

2 For the foregoing reasons, staff requests that the administrative law judge issue an  
3 expedited order in these dockets that,

- 4 (1) adopts the modified procedural schedule set forth above; and  
5 (2) specifies two dates by which the parties must state their intent to cross examine  
6 witnesses – one date for PGE witness Makholm and a second date for all other  
7 witnesses.

8  
9 DATED this 28th day of June 2005.

10 Respectfully submitted,

11 HARDY MYERS  
12 Attorney General

13 s/Stephanie S. Andrus  
14 Stephanie S. Andrus, #92512  
15 Assistant Attorney General  
16 Of Attorneys for Public Utility  
17 Commission of Oregon

## CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of June 2005, I served the foregoing document/s upon all parties of record in this proceeding by delivering a copy by U.S. Mail postage prepaid, or by electronic mail pursuant to OAR 860-13-0070, to all parties or attorneys of parties.

RATES & REGULATORY AFFAIRS PORTLAND GENERAL ELECTRIC RATES & REGULATORY AFFAIRS 121 SW SALMON STREET, 1WTC0702 PORTLAND OR 97204 pge.opuc.filings@pgn.com	LOWREY R BROWN CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org
JASON EISDORFER CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org	RANDALL J FALKENBERG RFI CONSULTING INC PMB 362 8351 ROSWELL RD ATLANTA GA 30350 consultrfi@aol.com
MAURY GALBRAITH -- <b>CONFIDENTIAL</b> PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 maury.galbraith@state.or.us	PATRICK G HAGER -- <b>CONFIDENTIAL</b> PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1WTC0702 PORTLAND OR 97204 patrick.hager@pgn.com
ROBERT JENKS -- <b>CONFIDENTIAL</b> CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 bob@oregoncub.org	DOUGLAS C TINGEY -- <b>CONFIDENTIAL</b> PORTLAND GENERAL ELECTRIC 121 SW SALMON 1WTC13 PORTLAND OR 97204 doug.tingey@pgn.com
S BRADLEY VAN CLEVE DAVISON VAN CLEVE PC 333 SW TAYLOR, STE 400 PORTLAND OR 97204 mail@dvclaw.com	

Neoma A. Lane  
Neoma A. Lane  
Legal Secretary  
Regulated Utility & Business Section  
Department of Justice / General Counsel