

ISSUED: April 5, 2010

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 219

In the Matter of

PACIFICORP, dba PACIFIC POWER

Application to Implement the Provisions of  
Senate Bill 76.

PREHEARING  
CONFERENCE  
REPORT

On April 5, 2010, a prehearing conference was held in this docket. The primary purpose of the conference was to establish a procedural schedule for the docket.

**Procedural Schedule**

The conference participants proposed, and Administrative Law Judge Traci Kirkpatrick adopted, the following procedural schedule:

Responses due to petitions to intervene filed as of April 5, 2010	April 13, 2010
New petitions to intervene due	April 19, 2010
Testimony by Staff and Intervenors due	May 26, 2010
Reply testimony by Pacific Power due	June 21, 2010
Hearing (details TBD)	July 7, 2010 (Details TBD)
Briefs on depreciation rate issues due	July 20, 2010
Simultaneous opening briefs on surcharge issues due	August 9, 2010
Simultaneous reply briefs on surcharge issues due	August 18, 2010
Commission decision on depreciation rate issues entered	August 18, 2010
Commission decision on surcharge issues entered	September 16, 2010

Conference participants agreed to expedited discovery for issues raised in testimony filed on May 26, 2010. Conference participants agreed to a seven business day response time for such discovery.

**Motion for Modified Protective Order**

Conference participants agreed to discuss issues related to Pacific Power's Motion for a Protective Order. Another prehearing conference to address outstanding issues will be held on April 14, 2010, at 1:30 p.m. Telephone participation is encouraged. Should all issues be settled and memorialized in a filing before the prehearing conference—preferably before the close of business on April 13, 2010—the prehearing conference will be canceled.

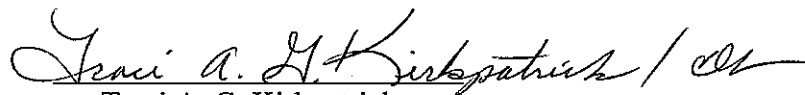
**Expedited Nature of this Docket**

The Citizens' Utility Board queried whether expedited treatment of discovery issues would be available during this proceeding. The expedited nature of this docket was acknowledged. To facilitate the need for expedition, Administrative Law Judges Traci Kirkpatrick and Shani Pines will both participate in this proceeding.

Disclosure of Previous Employment: Pacific Power is represented in this proceeding by McDowell Rackner & Gibson PC. Administrative Law Judge Pines worked with McDowell Rackner & Gibson (then McDowell & Rackner) in 2007 and early 2008. To her knowledge, she did not do any work on, or have access to, information relevant to this proceeding while employed at McDowell & Rackner. If any party objects to ALJ Pines hearing this docket, they may file an objection through April 13, 2010.

Dated this 5<sup>th</sup> day of April, 2010, at Salem, Oregon.

  
Shani Pines  
Administrative Law Judge

  
Traci A. G. Kirkpatrick  
Administrative Law Judge

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

The 2007 Oregon Legislative Assembly amended the Administrative Procedures Act to require agencies to provide all parties written notice of contested case rights and procedures. Pursuant to 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, Divisions 11-14. 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 counsel. Once a hearing has begun, you will not generally be allowed to request a recess to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over contested cases to its employee Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-012-0035. 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 860-014-0045 to OAR 860-014-0060. You may obtain discovery from other parties through depositions, subpoenas, and data requests. See ORS 756.538 and 756.543; OAR 860-014-0065 to 860-014-0070.

**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 860-014-0045(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 type of proceeding. See OAR 860-014-0035. The burden of presenting evidence to support an allegation or position rests with the proponent of the allegation or position. 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 860-011-0090(2)(e)(C). 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 860-014-0095. You may also file a petition for review with the Court of Appeals within 60 days. See ORS 756.610.