

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 263, UE 264

In the Matters of

PACIFICORP, dba PACIFIC POWER,  
Request for a General Rate Revision  
(UE 263),

and

PACIFICORP, dba PACIFIC POWER,  
2014 Transition Adjustment Mechanism  
(UE 264).

**JOINT  
PREHEARING CONFERENCE  
MEMORANDUM**

On March 21, 2013, the Public Utility Commission of Oregon held a joint prehearing conference in these dockets. The following parties appeared at the conference: Commission Staff; PacifiCorp, dba Pacific Power; the Citizens' Utility Board of Oregon (CUB); Noble Americas Energy Solutions; the Industrial Customers of Northwest Utilities (ICNU); and Y.A.M. Services.

**Petitions to Intervene**

CUB has filed notices of intervention under ORS 774.180 and has become a party to these proceedings.

Before the conference, petitions to intervene in docket UE 263 were filed by Noble Americas and ICNU, and petitions to intervene in docket UE 264 were filed by Noble Americas, ICNU, and Safeway Inc.

At the prehearing conference, no party objected to the petitions to intervene. After reviewing the petitions to intervene, I conclude that each of the proposed parties has a sufficient interest in the proceedings to participate, and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.<sup>1</sup> I grant the petitions to intervene.

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<sup>1</sup> See OAR 860-001-0300.

## UE 263 Procedural Schedule

Following consultations with the Commissioners, I adopt the following procedural schedule in docket UE 263:

EVENT	DATE
Proposed Budgets for Intervenor Funding due	May 15, 2013
Settlement Conference	June 12, 2013 <sup>2</sup>
Staff and Intervenors file Opening Testimony	July 10, 2013
Settlement Conference	Mid-July
Pacific Power files Reply Testimony	August 5, 2013
Staff and Intervenors file Rebuttal Testimony	August 30, 2013
Pacific Power files Surrebuttal Testimony	September 16, 2013
All Parties file Pre-Hearing Memoranda	September 25, 2013
Cross-Examination Statements and Exhibits due	September 26, 2013
Hearing	October 1, 2013 <sup>3</sup>
Pacific Power files Opening Brief	October 14, 2013
Staff and Intervenors file Opening Briefs	October 28, 2013
Pacific Power files Closing Brief	November 5, 2013 <sup>4</sup>
Target Date for Commission Order	November 12, 2013

At the conference, the parties debated whether the schedule should include three or five rounds of testimony. I have included five rounds of testimony in the procedural schedule for docket UE 263. However, the Commissioners will be reviewing the fourth and fifth rounds of testimony to determine their relevance and quality, and to consider discontinuing these final two rounds of testimony in future dockets.

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<sup>2</sup> Parties may change the dates of settlement conferences and workshops without notifying the Commission.

<sup>3</sup> There is a regular public meeting scheduled for the morning of October 1, 2013. The hearing will take place in the afternoon.

<sup>4</sup> Staff and Intervenors may file briefs on November 5, 2013 limited to rebuttal of issues raised in the opening briefs of parties other than Pacific Power.

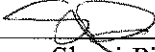
## UE 264 Procedural Schedule

I adopt the following procedural schedule in docket UE 264:

EVENT	DATE
Pacific Power files Supplemental Opening Testimony	April 3, 2013
Staff and Intervenors file Opening Testimony	June 4, 2013
Settlement Conference	June 12, 2013
Pacific Power files Reply Testimony	July 15, 2013
All Parties file Pre-Hearing Memoranda	August 12, 2013
Hearing	August 20, 2013 <sup>5</sup>
All Parties file Post-Hearing Briefs	TBD (August/ early September)
Target Date for Commission Order	October 29, 2013
Indicative Net Power Cost (NPC) Update	November 8, 2013
Final NPC Update	November 15, 2013
Effective Date	January 1, 2014

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.<sup>6</sup>

Dated this 27th day of March, 2013, at Salem, Oregon.

  
Shami Pines  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

<sup>5</sup> There is a regular public meeting scheduled for the morning of August 20, 2013. The hearing will take place in the afternoon.

<sup>6</sup> 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](http://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.