

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2107

WILLAMETTE FALLS PAPER
COMPANY AND WEST LINN PAPER
COMPANY,

Complainants,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

MEMORANDUM REGARDING CROSS-
EXAMINATION STATEMENTS AND
REMOTE HEARING PROCEDURES

Pursuant to ORS 756.500.

The Commission plans to conduct an evidentiary hearing in this proceeding on December 8, 2020 via Zoom. Cross-examination statements and exhibits must be received by the Administrative Hearings Division no later than 5:00 pm on November 30, 2020. These statements should identify whether or not cross examination will include review of confidential materials. After receipt of these materials, the Commission may cancel the hearing if no party plans cross examination.

The Commission will use only the audio and video functionality of Zoom. Other functions such as text chat, will be disabled for the hearing. A court reporter will provide an official transcript of the proceeding. Any separate recording of the hearing, either video or audio, is prohibited. The official transcript will be available from the court reporter after the hearing. In the event of an issue with the Zoom platform, we will conduct the hearing via teleconference.

For purposes of this hearing, active participants include testifying witnesses, their designated counsel, and cross examining counsel. Active participants will be provided with registration information prior to the hearing. In order to send out registration information, parties should submit a list designating the individuals who will be active participants (both witnesses and counsel for each witness) by November 30, 2020. While each witness is testifying, the witness, their designated counsel, and cross examining counsel should plan to be visible via video.

If you will be an active participant in these proceedings, please see the attached participant instructions and recommendations to set up and test Zoom prior to the hearing. We will be unable to provide tech support. All parties should be prepared to trouble shoot and work the Zoom tools themselves. Please ensure that you are familiar with how to mute and unmute yourself, and enable and disable video prior to the hearing.

Please include with your cross-examination statements the estimated time and subject matter for each witness a party intends to question, and designate the counsel who will be asking questions for each witness. I request that each party designate one counsel for any given witness to the extent possible. In cross-examination statements, parties must also separately identify the estimated time and subject matter for cross examination regarding confidential materials. If the hearing is not canceled, a schedule for evidentiary hearings will be issued the week of November 30, 2020.

All exhibits must be pre-marked as indicated in OAR 860-001-0480. If you have voluminous exhibits, make arrangements with Candice Menza to submit these exhibits. Additionally, to minimize technical issues, any party intending to offer any exhibits or rely on any other documents for reference during the hearing must provide those documents in PDF to all parties, as well as Candice Menza on November 30, 2020. Parties need not provide documents if they are subject to a protective order, but must instead identify any such documents (including page numbers) with specificity.

For security reasons, if any cross examination regarding confidential materials needs to occur, that will be conducted in a closed session via teleconference. To prevent technical issues, we will be unable to switch back and forth between an open and closed record during the course of the hearing. Counsel should prepare to hold all questions regarding confidential materials to the end of the hearing.

Please address any questions to Candice Menza at candice.menza@state.or.us.

Dated this 9th day of November, 2020, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge

Zoom Instructions and Tips

Set up a Zoom account and install Zoom Client for Meetings:

1. If you do not already have a Zoom account, set one up at <https://zoom.us>. A paid Zoom account is not necessary for any interaction with the Commission.
2. Log into <https://zoom.us/profile> and set your name, phone and email. Including a photo (while not necessary) will help identify you when connecting.
3. Install the latest Zoom Client for Meetings at <https://zoom.us/download>. Although Zoom can be used in a browser only, the full Zoom client will provide the best functionality and best experience with the system.
4. Always keep your software up to date. The Zoom Client will automatically update itself upon launching the software, but you can also update it manually.

Test the system prior to the date of the hearing using the following steps:

1. Connect your device to power. Avoid using a mobile device if possible.
2. Make sure your internet connection is good:
<https://www.pcworld.com/article/2048594/how-to-test-your-home-internet-speed.html>
3. Test your video.
4. Test your audio.
5. Turn off all audio disruptions (phones, messaging alerts, email alerts, etc.).
6. Run a quick test to connect with another Zoom user, or use the Zoom test:
<https://support.zoom.us/hc/en-us/articles/115002262083-Joining-a-test-meeting>

For additional resources on using Zoom, please visit the links below:

1. Video: <https://support.zoom.us/hc/en-us/sections/200521865-Video>
2. Audio: <https://support.zoom.us/hc/en-us/sections/200319096-Audio>

During the hearing, please:

1. Mute your phone, and mute all sounds from all other applications (email notifications, chat messaging, etc.).

2. Avoid using a mobile device if possible. Although tablets and smartphones can be used, they are very limited, and the performance may be inferior.
3. Avoid using battery power only. Plug into a good power source while in a Zoom meeting.
4. Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
5. Avoid distracting real or virtual backgrounds.
6. Avoid poor camera positioning. Try to frame yourself so you take up most the screen, at eye level.
7. Avoid running any unnecessary applications besides Zoom, to conserve your computer's processing power and networking.

Participants will be on video only when they are actively participating (i.e., the witness testifying, their attorney, and cross examining attorneys). All other participants will need to turn off their video cameras when not active.

While each witness is testifying, the witness, their designated counsel, and the cross-examining counsel should plan to be visible via video. When we begin with each witness, that witness, their counsel, and the cross-examining attorneys will need to ensure that their video cameras are enabled. The witness, their attorney, and the attorney doing cross examination should be unmuted. Everyone else should remain muted.