

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2118

SUNTHURST ENERGY, LLC

Complainant,

vs.

PACIFICORP dba PACIFIC POWER,

Defendant,

Pursuant to ORS 756.500.

MEMORANDUM REGARDING
REMOTE HEARING PROCEDURES
AND FILING REQUIREMENTS

Evidentiary Hearing Will Be Virtual

On February 23, 2021, an evidentiary hearing in this proceeding is scheduled. Due to continuing pandemic conditions, the Commission will virtually conduct the hearing via Zoom Video Communications services. During the hearing, the Commission will use the video and audio conferencing Zoom tools, but not functions such as text chat, screen sharing, etc.; these tools will be disabled. A court reporter will transcribe the hearing and this transcription will constitute the official record of the hearing. In the event of an issue with Zoom conferencing services, the hearing will alternatively be conducted by other teleconference services.

All parties must be able to operate and troubleshoot Zoom on their own, and understand how to enable and disable the audio and video functions. Parties will be expected to disable audio when not talking. The Commission will not provide technical support.

Planning for the Virtual Hearing

This proceeding's schedule is accelerated. This memorandum discusses the additional steps that are necessary to plan for a virtual hearing, and I ask parties to consider modifications to the procedural schedule. A prehearing conference to the procedural schedule will be scheduled in the near future to discuss.

Under the current procedural schedule, parties simultaneously file initial cross-examination statements and exhibits on February 18, 2021, with the opportunity to update these filings on the morning of hearing, on February 23, 2021. The timing to update the cross-examination statements and exhibits will need to be moved.

To facilitate the virtual hearing, all persons intending to be active participants during the virtual hearing need to be identified and to pre-register by setting up and testing Zoom (Zoom Instructions and Tips are attached to this memorandum); a date for this identification needs to be determined in order to facilitate timely registration. Active participants include testifying witnesses, their counsel, and the cross-examining counsel. When a witness testifies, the witness, the counsel for the witness, and the cross-examining counsel must be simultaneously visible via video. The Commission anticipates providing a view-only option for persons wishing to observe the hearing.

Cross-Examination Statements need to identify the estimated time and the subject matter for the planned cross-examination of any witness. Counsel that will conduct the cross-examination should be limited to one person, and that person needs to be identified in the relevant cross-examination statement. If cross-examination will address confidential materials, the cross-examination statement must separately identify the estimated time and subject matter for such.

Any cross-examination involving confidential materials will be conducted via teleconference at the end of each day of the hearing. Counsel should prepare to hold all questions addressing confidential material until the end of each day for the hearing. In order to participate in the teleconference addressing confidential materials, an individual must be qualified under the applicable protective order, and must provide a telephone number that will be used to participate in the teleconference.

All exhibits must be pre-marked as indicated in OAR 860-001-0480. Any exhibit that will be referenced or relied on in any way during the hearing must be provided in .PDF format to all parties, and to Candice Menza by a date to be identified. If an exhibit is voluminous, filing arrangements need to be made with Candice Menza.

I anticipate providing a memorandum with a schedule for cross-examination. We can discuss the timing of this memorandum during the upcoming prehearing conference.

Any anticipated procedural matters need to be raised in advance of the hearing in writing to prevent delays to the start of testimony at the hearing. I ask parties to consider matters that could be addressed at the upcoming prehearing conference.

I also ask parties to consider whether it would be helpful to conduct a practice Zoom session and the appropriate timing for such.

Dated this 12th day of January, 2021, at Salem, Oregon.



Traci Kirkpatrick
Administrative Law Judge

Attachment: Zoom Instructions and Tips

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 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, it is not suitable for participating with the Commission. The Zoom Client is required to ensure the best functionality.

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. Although tablets and smartphones can be used, they are very limited, and the performance may be inferior.
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. Ensure that you know how to turn your video camera on and off.
4. Test your audio. Ensure that you know how to mute and unmute yourself.
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>

During the hearing, please:

1. Mute your phone, and mute all sounds from all other applications (email notifications, chat messaging, etc.).
2. Avoid using battery power only. Plug into a good power source while using Zoom.
3. Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
4. Avoid distracting real or virtual backgrounds.
5. Avoid poor camera positioning. Try to frame yourself so you take up most the screen, at eye level.
6. Avoid running any unnecessary applications besides Zoom, to conserve your computer's processing power and networking.