

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

PCN 5

In the Matter of

IDAHO POWER COMPANY

Petition for Certificate of Public
Convenience and Necessity.

RULING

**DISPOSITION: PETITION TO INTERVENE GRANTED WITH CONDITIONS;
MOTION FOR AN EXTENSION DENIED**

On January 30, 2023, Wendy King filed a petition to intervene in this docket.¹ Ms. King filed opening testimony in this docket on February 1, 2023. On February 3, 2023, Ms. King filed a motion for an extension to the deadline for opening testimony to allow her to supplement her opening testimony. On February 6, 2023, Idaho Power Company filed a response to both the petition to intervene and motion for an extension. Idaho Power does not oppose Ms. King’s petition to intervene but opposes the extension request.

In reviewing the petition to intervene, I find that Ms. King has sufficient interest in the proceedings and that her participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.² Of particular concern is whether Ms. King’s participation will unreasonably delay the proceedings. Ms. King seeks to join this matter at a late stage of the proceeding. Ms. King’s petition to intervene was filed more than six weeks after the requested deadline for petitioners to intervene and nearly two weeks after the original deadline for opening testimony. Although Ms. King was able to file opening testimony by the amended opening testimony deadline, she seeks additional time to file supplemental opening testimony.

While individuals are free to seek to intervene in matters at any time before the evidentiary record closes, their participation can be “subject to appropriate conditions.”³ In order to find that Ms. King’s participation in this matter would not unreasonably delay the proceedings, I find it appropriate to impose the condition that Ms. King comply with the existing amended procedural schedule.

¹ The petition to intervene was docketed on January 31, 2023.

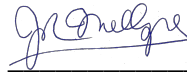
² See OAR 860-001-0300(6).

³ ORS 756.525(2).

The petition to intervene is granted subject to that condition.

I find an extension to the already extended opening testimony deadline would unreasonably delay the proceedings. Ms. King's testimony filed on February 1, 2023, is appropriately a part of this docket and as such, she will have the opportunity to file reply testimony and briefing later in these proceedings. The motion for an extension to the deadline for opening testimony is denied.

Dated this 7th day of February, 2023, at Salem, Oregon.



John Mellgren
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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 these proceedings 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 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at <https://www.oregon.gov/puc/Pages/default.aspx>. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, 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 as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Notice to Active Duty Servicemembers: Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs 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 through 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 through 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. 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. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Notice of Contested Case Rights and Procedures continued

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. 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 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 from the date of service of the order. *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 from the date of service of the order. *See* ORS 756.610.