

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**PCN 5**

In the Matter of

IDAHO POWER COMPANY,

Petition for Certificate of Public  
Convenience and Necessity.

PRE-HEARING MEMORANDUM

The Commission will conduct an evidentiary hearing in this proceeding via Zoom beginning at 9:30 a.m. on April 19, 2023, and if necessary, April 20, 2023. Additional details on how to join the Zoom hearing will be provided in advance of the hearing. Based on the parties' filings described below, I will produce a schedule for the hearing. In general, there will be a break around the midpoint of the morning and afternoon sessions, as well as a lunch break around midday. We will record the proceeding and produce an official transcript. The transcript will be available from the transcriptionist.

As set forth in the procedural schedule, witness lists, cross-exam statements, and exhibits are due April 12, 2023, by 3:00 p.m. Through this memorandum, I intend to provide the parties with additional information regarding these and other documents that will be required of the parties in this proceeding. Additionally, the parties will have an opportunity to discuss these requirements, the next steps in this proceeding, and other procedural questions during the already-noticed workshop with Chief Administrative Law Judge Nolan Moser on Thursday, March 23, 2023.

The witness list, cross-examination statement, and exhibits deadline will require the parties to file a document that lists what witnesses the parties intend to cross-examine during the evidentiary hearing. The document can be an email to the Filing Center that includes the following information:

- The name of each witness the party intends to question at the hearing.
- The estimated amount of time requested for questioning and the subject matter for each witness a party intends to question at the hearing. If the party intends to reference materials or ask questions that relate to confidential and/or highly confidential materials, the party should separately identify the estimated time and subject matter related to such materials.
- The name of the individual who will be asking questions of each witness (parties not represented by counsel may conduct cross-examination).
- A list of exhibits to be referenced during the examination of each witness. This list should include a citation to the already-filed testimony that may be referenced during the cross-examination of each witness, including specific page references.

- A list of any other qualified individuals and their contact information who wish to attend any confidential session at the evidentiary hearing.

All exhibits should be pre-marked as indicated in OAR 860-001-0480 so that we can easily reference specific material during the evidentiary hearing if needed. Any exhibits that a party wishes to offer at the hearing under OAR 860-001-0480(7) and not previously filed should be marked consistent with the offering party's previously filed exhibits. Any exhibits that a party wishes to use at the hearing as a cross-examination exhibit and not previously filed should be marked as a cross-examination exhibit. Please note that only exhibits to be used during cross-examination should be marked as a cross-examination exhibit and exhibits already filed as part of a parties' testimony need not be refiled.

If a confidential session is needed, qualified individuals who have been identified in the parties' cross-examination statements will receive an individual link to access the confidential session. These links are for use only by the recipient and must not be forwarded to any other individuals.

Due to the number of parties and limited time reserved for the hearing, any procedural matters should be raised in advance of the hearing in writing so there are no delays to the start of testimony at the hearing.

After the hearing, the parties will have until April 25, 2023, at 3:00 p.m. to file a motion to admit any testimony or exhibits into the evidentiary record along with declarations in support of any such testimony or exhibits. Objections to any motion, including objections to any offered testimony or exhibits, will be due on May 2, 2023, at 3:00 p.m. No further briefing on the motions will be allowed unless requested by me.

Although the parties have already filed extensive testimony and exhibits in this proceeding, parties must still officially move to admit testimony and exhibits into the evidentiary record for it to be considered by the Commission in resolving Idaho Power's petition. This includes any evidence a party intends to cite in its opening and reply briefs. Such a motion need only state that the party moves to admit testimony and exhibits into the record and include a list of the specific exhibits the party seeks to have admitted. For example: "Party A moves for admission of the following pre-filed testimony and exhibits into the record in this proceeding: Party A Exhibit No. 100 (Testimony of Witness 1); Exhibit No. 101 (Witness Qualification Statement); Exhibit No. 102 (Map)." Any exhibit not included in this list may not be admitted into the record and therefore cannot be relied upon in briefing.

In addition to the motion to admit testimony and exhibits, the parties also must file declarations in support of any testimony and exhibits. This declaration must be a signed statement from the witness stating that they declare under penalty of perjury under the laws of the State of Oregon that they prepared testimony and exhibits in this proceeding, including a list and citation of those exhibits, and that to the best of their knowledge and belief, declare the statement to be true and that it was made for use by the Commission as evidence in this proceeding. Every exhibit included in the motion to admit testimony and exhibits must be included in a supporting declaration.

After receiving the motions to admit testimony and exhibits and any objections regarding the same, I will issue a ruling admitting testimony and resolving any outstanding objections. I will issue such a ruling in advance of the parties' opening brief deadline so that there are no remaining questions about what evidence can and cannot be used in briefing.

The parties will file their opening briefs by May 11, 2023, at 3:00 p.m. The opening brief is the parties' opportunity to make their arguments for or against Idaho Power's petition based on the evidence included in the record. The parties will then file reply briefs by May 25, 2023 at 3:00 p.m. responding to the other parties' arguments. The Commission will then take the matter under advisement and issue a final order.

Examples of the above documents filed in other PUC proceedings can be obtained by contacting Chief Administrative Law Judge Nolan Moser.

The procedural schedule is amended as follows:

<b>Event</b>	<b>Deadline</b>
Idaho Power Surrebuttal Testimony	April 7, 2023, 3:00 p.m.
Witness List, Cross-Exam Statements, and Exhibits	April 12, 2023, 3:00 p.m.
Evidentiary Hearing –Remote	April 19-20, 2023, 9:30 a.m. - 4:30 p.m.
All Party Motions to Admit Testimony and Exhibits and Declarations in Support Due	April 25, 2023, 3:00 p.m.
All Party Objections to Motions to Admit Testimony and Exhibits Due	May 2, 2023, 3:00 p.m.
All Party Opening Briefs	May 11, 2023, 3:00 p.m.
All Party Reply Briefs	May 25, 2023, 3:00 p.m.
Target Date for Commission Decision	June 30, 2023

Dated this 22<sup>nd</sup> day of March, 2023, at Salem, Oregon.



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John Mellgren  
Administrative Law Judge