

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 427

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY

Renewable Resource Automatic  
Adjustment Clause (Schedule 122)  
(Clearwater Wind Project).

PROCEDURAL MEMORANDUM;  
DEADLINE ESTABLISHED

NewSun Energy LLC (NewSun) filed a motion seeking to modify the procedural schedule on April 24, 2024.<sup>1</sup> NewSun requests expedited consideration of its motion due to the existing deadline for Portland General Electric to file reply testimony on April 25, 2024. Due to the late filing of NewSun's motion, and lack of time to consider responses from the other parties, the deadline for PGE's reply testimony will remain unchanged.

In proposing a modified schedule, NewSun seeks time for two rounds of discovery ahead of an opportunity for intervenors to file testimony. In the alternative, NewSun requests that the time for responses to discovery requests be shortened after the filing of PGE's reply testimony to facilitate preparation ahead of the evidentiary hearing. NewSun states that it conferred with the parties and that Staff and PGE oppose its motion, and the Oregon Citizens' Utility Board (CUB) requested that the parties have the opportunity to confer on a new schedule if the motion was granted due to a scheduling conflict on the proposed hearing date. NewSun explains that it does not object to CUB's request and simply provided a schedule as a proposal for the remainder of the proceeding.

The Commission directed that the Administrative Hearings Division establish a procedural schedule to result in a decision prior to an August 1, 2024, rate effective date and beginning with reply testimony from PGE. As indicated above, the existing deadline for PGE's reply testimony remains in place. Additionally, due to an internal scheduling conflict with the current date for the evidentiary hearing, some revision to the procedural schedule is necessary. I will also consider modifications to the procedural schedule based

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<sup>1</sup> NewSun's motion was filed after 3:00 p.m. on April 23, 2024. As addressed in the memorandum issued on April 4 in this docket, filings submitted after 3 :00 p.m. will be considered filed on the next business day.

on the changes requested in NewSun’s motion as they may be implemented in procedural milestones subsequent to PGE’s reply testimony, including additional rounds of testimony and a limited extension of the August 1, 2024, rate effective date. Responses to NewSun’s motion and any proposed procedural schedules are due no later than 3:00 p.m. on Tuesday, April 30, 2024. I encourage the parties to confer and attempt to reach agreement on a procedural schedule. I request that the parties consider alternative schedules that may include either a September 1, 2024, or October 1, 2024, effective date with accelerated discovery response timelines as needed.

Dated this 24th day of April, 2024 at Salem, Oregon.



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Alison Lackey  
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.