

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

DR 10, UE 88, UM 989

In the Matters of)
)
The Application of Portland General Electric)
Company for an Investigation into Least Cost)
Plan Plant Retirement (DR 10),)
)
Revised Tariffs Schedules for Electric Service in)
Oregon Filed by Portland General Electric)
Company (UE 88),)
)
Portland General Electric Company's)
Application for an Accounting Order and for)
Order Approving Tariff Sheets Implementing)
Rate Reduction (UM 989).)

**CORRECTED
MEMORANDUM**

**DISPOSITION: CROSS-EXAMINATION SCHEDULE ESTABLISHED;
AFFIDAVITS DUE; COMPLIANCE OF MEEK TESTIMONY WITH RULE 3.7 OF
THE OREGON RULES OF PROFESSIONAL CONDUCT NEEDS CLARIFICATION.**

I have reviewed the statements of cross-examination filed by parties in this proceeding. I have also reviewed various requests, both oral and written, to limit the availability of witnesses. The hearing in this proceeding begins at 9:30 a.m. on August 29, 2005. Based upon the statements of cross-examination, I believe the hearing will conclude in one day, but parties are on notice that the hearing room has been reserved for two days should it be necessary to continue cross-examination on August 30, 2005. The order of witnesses and the amounts of time allotted are set forth in Attachment A.

As indicated in Attachment A, I will ask Portland General Electric Company (PGE) to call its witnesses first. PGE has asked that three witnesses with a place of business outside of the state of Oregon be called first. The schedule honors this request. Commission Staff has also informed me that Mr. Brian Conway will sponsor the testimony of Mr. Morgan, as Mr. Morgan is no longer a member of Staff. As Mr. Conway is unavailable during the morning of August 29, 2005, he has been scheduled for cross-examination in the afternoon.

No party has requested an opportunity to cross-examine the testimony of Mr. Jim Lazar or Mr. Daniel W. Meek. Consequently, none of these witnesses will need to be called at the hearing. As OAR 860-014-0060 requires testimony to be sworn to, however, either orally or in writing, prior to being received into the record, affidavits will need to be filed by each witness not called at the hearing. Each affidavit must state that the testimony previously filed is true and accurate and that no corrections need to be made, or alternatively, that corrections are necessary, as specified with citations to the testimony. The affidavits must be filed by September 2, 2005.

In order for the testimony of Mr. Meek to be received into the record, the sponsorship of Mr. Meek's testimony also needs to be addressed due to my concerns about compliance with Rule 3.7 of the Oregon Rules of Professional Conduct. Mr. Meek's testimony is filed on behalf of the Utility Reform Project (URP), whom Mr. Meek also represents as an attorney. The testimony was filed, however, by Linda K. Williams, attorney for the following parties: Kafoury Bros., LLC, Frank Gearhart and Patricia Morgan (hereafter referred to as MGK). Ms. Williams is not an attorney of record on behalf of URP. Since Ms. Williams is the attorney sponsoring Mr. Meek's testimony, the testimony should be filed on behalf of MGK. Alternatively, Ms. Williams needs to become an attorney of record for URP. I previously raised these concerns with Ms. Williams and she indicated that the appropriate documentation would be submitted to clarify the situation. I have not yet received such documentation. Mr. Meek's testimony will not be received into the docket until its compliance with Rule 3.7 of the Oregon Rules of Professional Conduct is clarified.

Dated this 23rd day of August, 2005, at Salem, Oregon.

Traci A. G. Kirkpatrick
Administrative Law Judge

**ATTACHMENT A:
DR 10/UE 88/UM 989 CROSS-EXAMINATION SCHEDULE
(August 29, 2005, to be continued on August 30, 2005, as necessary)**

Witness (Party)	Examined By	Time
Blaydon (PGE) ¹	URP/MGK	20 minutes
Makholm (PGE) ²	URP/MGK	30 minutes
Hess (PGE) ³	URP/MGK	20 minutes
Lesh (PGE)	URP/MGK	50 minutes
Dahlgren (PGE)	URP/MGK	40 minutes
Tinker/Schue/Hager (PGE)	URP/MGK	20 minutes
Hager (PGE)	URP/MGK	40 minutes
Quennoz/Peterson/Dahlgren (PGE)	URP/MGK	30 minutes
Bush/Johnson (Staff)	URP/MGK	40 minutes
Conway (Staff) ⁴	URP/MGK	20 minutes

¹ Dr. Blaydon will be available on August 29, 2005, only.

² Dr. Makholm will be available on August 29, 2005, only.

³ Dr. Hess will be available on August 29, 2005, only.

⁴ Mr. Conway will be available on the afternoon of August 29, 2005, and August 30, 2005.