

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 134

In the Matter of	)	
	)	
PACIFICORP	)	RULING
	)	
Application for Approval of Revised Tariffs to	)	
Reflect New Net Power Costs.	)	

On March 3 and 5, 2003, Staff filed objections to portions of ICNU's First and Second Sets of Data Requests. On March 6, 2003, I issued a ruling that set a schedule for resolving Staff's objections. On March 7, 2003, Staff filed copies of the data requests at issue.

After reviewing the data requests, Staff's objections, and the applicable administrative rules, I determined that the administrative rules contemplate a different procedure. Rather than Staff filing an objection to the ALJ, the objections should go to ICNU as the requesting party. ICNU then determines whether it wishes to proceed with its data request. If so, ICNU then discusses the matter with Staff in an attempt to resolve the dispute. If the dispute cannot be resolved, ICNU can file a motion to compel along with its certification as discussed in OAR 860-014-0070. With this process, an ALJ is only addressing discovery issues that the initiating party, in this case ICNU, wishes to have resolved.

The other difficulty in this dispute is Staff's claim that it provided some of the information requested by ICNU. *See*, Staff's Motion dated March 3, 2003, p. 4 at lines 20-24. If the data request has been answered, then the issue is moot. Staff and ICNU must resolve whether answers have been provided to ICNU's data requests.

During a telephone conference held on March 10, 2003 with ICNU and Staff, a new schedule was set for issues involving these data requests. If after conversations with Staff, ICNU still wants to proceed with any unanswered data requests, it must file a motion to compel by March 12, 2003. Staff has until March 17, 2003, to file an answer, although Staff is urged to file its answer by March 14, 2003. I will then issue a ruling.

Dated this 10<sup>th</sup> day of March, 2003.

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Kathryn A. Logan  
Administrative Law Judge