

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 227

In the Matter of
PACIFICORP, dba PACIFIC POWER
2012 Transition Adjustment Mechanism.

PREHEARING
CONFERENCE
MEMORANDUM

**DISPOSITION: PROCEDURAL SCHEDULE ESTABLISHED;
PETITIONS TO INTERVENE GRANTED**

On April 18, 2011, the Public Utility Commission of Oregon (Commission) held a prehearing conference in this docket. Representatives appeared on behalf of PacifiCorp, dba Pacific Power (Pacific Power); Commission Staff; the Citizens' Utility Board of Oregon (CUB); the Industrial Customers of Northwest Utilities (ICNU); Noble Americas Energy Solutions LLC (Noble Americas); and Jacques Grant, dba YAM Services.

Parties

On March 24, 2011, CUB filed a Notice of Intervention under ORS 774.180 and became a party to the proceeding.

On March 28, 2011, ICNU filed a petition to intervene. No timely objections were received. On April 12, 2011, Noble Americas filed a petition to intervene. During the prehearing conference, no party objected to the petition. I find that these petitioners have sufficient interest in the proceeding to participate, and that their appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceeding.¹ The petitions are granted.

¹ See OAR 860-001-0300.

Procedural Schedule

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
Staff / Intervenor Testimony	June 24, 2011
Workshop / Settlement Conference ²	July 14, 2011
Pacific Power Reply Testimony	July 29, 2011
Staff / Intervenor Rebuttal Testimony	August 16, 2011
Pacific Power Surrebuttal Testimony	August 30, 2011
Hearing	September 8, 2011
Simultaneous Opening Briefs	September 23, 2011
Simultaneous Closing Briefs	October 3, 2011

After Staff and intervenors file testimony on June 24, 2011, parties will use their best efforts to respond to data requests within seven business days of receipt. After Pacific Power files its testimony on August 30, 2011, parties will use their best efforts to respond to data requests within four business days of receipt.

By statute, a person may petition to intervene in a docket at any time before a hearing,³ but persons are encouraged to intervene as early as possible. Persons who petition to intervene late in the proceedings must take the existing record and schedule as they find them. Participation may also be limited in other ways.

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.⁴

Dated this 19th day of April, 2011, at Salem, Oregon.



Lisa D. Hardie
Administrative Law Judge

² This date is included in the schedule for the parties' convenience. Parties may reschedule settlement conferences without Commission approval.

³ See ORS 756.525.

⁴ See UTCR 3.170; 860-001-0320.

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 this proceeding 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 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, 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 in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ 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 to 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 to 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(1)(b). 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. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). 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 ALJ's 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. *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. *See* ORS 756.610.